



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.10.2017
CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.13591 of 2017

and

CRL.M.P.(MD)No.9135 of 2017

M.Meera Hussain

... Petitioner/Accused No.1

Vs.

1. The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
(Crime No.16 of 2016)

... Respondent/Complainant

2. M.Sahaputheen

... Respondent/Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.16 of 2016, dated 22.09.2016 under Sections 465, 471 and 420 I.P.C., on the file of the first respondent and to quash the same as illegal.

For Petitioner

: Mr.T.Lajapathi Roy

For R-1

: Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

For R-2

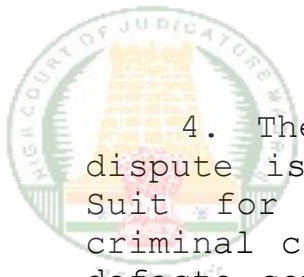
: Mr.R.Gowri Shankar

O R D E R

This Criminal Original petition is filed for quashing the First Information Report in Crime No.16 of 2016, dated 22.09.2016 registered for the offences under Sections 465, 471 and 420 I.P.C., on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The petitioner states that based on the complaint lodged by the second respondent, a case was registered in Crime No.16 of 2016 for the offences under Sections 465, 471, and 420 I.P.C., even though the petitioner has not involved in any of the offences.



4. The learned counsel for the petitioner states that the dispute is purely civil in nature and that instead of filing a Suit for partition, the defacto complainant has lodged the criminal complaint unnecessarily. It is further stated that the defacto complainant has got a right to file a Suit for partition, even if they have the right to claim a share in the property which was dealt with by the petitioner. Finally, it is submitted that the petitioner is only the Power of Attorney holder of the Principals and that he has not involved.

5. The fact that the petitioner's Principals are residing abroad is not in dispute. The allegation against the petitioner and others is that they have obtained the forged Legal Heirship Certificate showing that the Principals of the petitioner alone are the real heirs of the original owners. The fact that the defacto complainant and others also have a definite share in the property as the legal heir of the original owners is not disputed.

6. It is further stated that the Legal Heirship Certificate obtained or produced by the petitioner is found to be forged. The further allegation against the petitioner in the complaint is that they have obtained Life Certificates alleged to have been issued by an Officer at Malaysia and registered the document on the same day.

7. These informations furnished by the defacto complainant would certainly establish a cognizable offence as against the petitioner. Since the complaint against the petitioner is specific, the petitioner cannot say that he has not involved in any of the offence. The petitioner's Principals are stated to be residing in Malaysia. In such circumstances, the petitioner's case that he has not committed any of the offence cannot be believed and it is all the more probable that the petitioner alone must have committed the alleged offence as stated in the complaint. Any it is a matter for evidence.

8. Secondly, the submission of the learned counsel for the petitioner that the dispute is purely civil is absurd.

9. Having regard to the specific allegations made against the petitioner, he is involved in the attempt to grab the land by forged documents. Hence, the Criminal Original petition is dismissed and the first respondent is directed to proceed further with the investigation and to file a final report within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(writs)



To

1. The Inspector of Police,
District Crime Branch,
Ramanathapuram, Ramanathapuram District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.82400

+1cc to Mr.R.Gowri Shankar, Advocate Sr.No.82035

PMU

VB/KK/SAR3/26/10/2017/3P/5C

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