



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

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Crl.O.P. (MD) No.5064 of 2017**and****Crl MP(MD) No.3578 of 2017**

1.M.Thirugnanam

2.M.Perumathal

3.M.Muthukumar ... Petitioners/Accused Nos1 to 3
-vs-

1.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk
Madurai District
in Cr.No.316 of 2016 ... 1st Respondent/De-Jure Complainant

2.T.Anbu @ Anbukkarasi ... 2nd Respondent/De-facto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.316 of 2016 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.V.Santhakumaresan

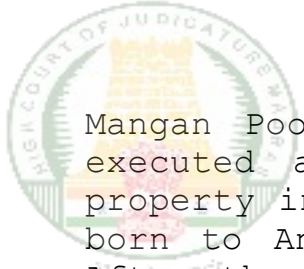
For Respondent-1 : Mr.K.Anbarasan
Government Advocate (Crl. side)

O R D E R

On the complaint lodged by Anbukkarasi, the respondent police have registered a case in Crime No.316/2016 on 22.08.2016 under Sections 468 and 420 IPC against Thirugnanam(A1), Perumathal (A2) and Muthukumar(A3) Challenging which, they are before this Court.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) for the 1st respondent.

3.It is the case of Anbukkarasi that she got married to Thirugnanam (A1) and one daughter by name Radha Kanmani was born. Their matrimonial life ran into rough weather resulting in the spouses getting estranged. While so, Anbukkarasi's father-in-law



Mangan Poosari, (father of A1 - Thirugnanam and husband of A2) executed a Will in respect of his properties bequeathing the property in favour of Radha Kanmani and other children that may be born to Anbukkarasi. This Will was executed in the year 1984. After the death of Mangan Poosari, it is alleged by Anbukkarasi that A1 and A2 had illegally sold the property to A3.

4. The learned counsel for the petitioners/accused submitted that it is purely a family dispute and a civil transaction and no FIR can be registered. In the opinion of this Court, when it is specifically alleged that the property has been bequeathed by Mangan Poosari to his grand children, the dealing of the property by A1 and A2 cannot be said to be totally legal.

5. The learned counsel for the petitioners/accused also submitted that A1 and A2 did not know about the existence of the Will till the date of FIR. He also submitted that subsequently, Radha Kanmani has sold the same property to A3 on 10.08.2016. He also submitted that the revenue records stands in the name of A2 and the property does not belong to Mangan Poosari. Therefore, the FIR should be quashed.

6. In the opinion of this Court, these are aspects, which have to be looked into by the police and therefore, this Court directs the Investigating Officer to look into these aspects and if it is found that the petitioners are innocent, it is needless to state that further action against them should be dropped immediately.

The criminal original petition stands dismissed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To:

- 1.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk
Madurai District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.V.Santhakumaresan , Advocate in SR.No. 58768

RR

AE/MR/SAR3/19.06.2017/2P/4C

**Cr1.O.P. (MD) No.5064 of 2017
and**

**Cr1 MP (MD) No.3578 of 2017
06.06.2017**