

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 25.05.2017
CORAM

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THE HON'BLE MR.JUSTICE M.V.MURALIDARAN**Cr1.O.P.(MD) No.6267 of 2017**

Kanniammal @ Balamani

... Petitioner

-vs-

1. Superintendent of Police
Land Grabbing,
Coimbatore District,
Coimbatore.

2. Inspector of Police,
Land Grabbing Cell-Coimbatore Rural,
Coimbatore.

... Respondents

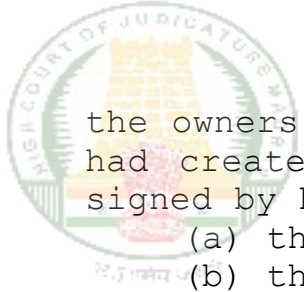
Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent to initiate stringent action in the complaint dated 15.05.2017 and register the FIR.

For Petitioners : Mr.S.Gurumoorthy
For Respondents : Mr.S.Prabha G.A.,

O R D E R

This criminal original petition has been filed by the petitioner seeking a direction to the respondent police to initiate stringent action in the complaint dated 15.05.2017 and register the FIR.

The case of the petitioner is that she is a visually impaired person and her siblings had inherited from her mother Chellaal upon the latter's death on 20.08.1999, the property being agricultural land comprised in S.No.546/2 and new survey number in S.No.546/2A bearing patta number 638 situate in Kaniyoor village, Sooloor Taluk, Coimbatore District admeasuring 1 Acre. Earlier the petitioner's mother Chellaal had inherited the property among the others vide settlement deed dated 13.10.1955 registered as document 1460/1955 at SRO Sooloor. The petitioner and her siblings who are working as agricultural coolies for the sake of convenient management of the property had appointed one Mr.Shanmugam as their Power of Attorney dated 19.07.2013, the same being registered as Document No.8605/2013 at S.R.O. Sooloor. The appointment of the Power Agent itself was borne out of the trust held by the visually challenged petitioner and her siblings in the said Mr.Shanmugam and on the conditions that the Power Agent had not paid any consideration and that he shall render accounts to



the owners in respect of the property. The Power Agent Shanmugam had created a fabricated receipt dated 19.07.2017 alleged to be signed by his Principals. The content of the receipt states that

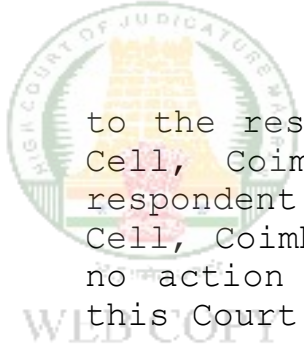
- (a) the Principals relinquished their titular rights, and
- (b) they will not file any litigation before the court and
- (c) assured that they will not revoke the Power of Attorney
- (d) and that the Principals had received entire consideration - no amount mentioned in the receipt.

(e) The alleged receipt for consideration received by the owners/Principals without even mentioning the sum of consideration that was allegedly paid in it establishes the fraudulent nature of the said document relied upon by the said Power Agent.

It is the further case of the petitioner that the Power Agent had executed a fraudulent sale deed dated 22.07.2013 in favour of Sundara Murugesh and Kumarasamy, the same being registered as Document No.8638/2013 at S.R.O, Sooloor in respect of the property mentioned herein above claiming to have transferred to the tile to the petitioner's property for a sum of Rs.5,00,000/- even when the value was Rs.30,00,000/-. Thereafter, the said person had subsequently fraudulently created sale deeds dated 18.07.2014, 01.12.2014, 23.05.2015, 23.03.2015 all registered at SRO, Sooloor. Unaware of the above developments, the petitioner and her relatives had been constantly enquiring with their Power Agent Shanmugam about the state of affairs of hte property under his management, which was never properly answered by the said Power Agent. Only upon certain unknown people entering our property and commencing work to prepare the land for civil work the petitioner and her relatives got suspicious about the Power Agent following they obtained Encumbrance Certificates. The said Encumbrance Certificates revealed the developments stated in paras 7 and 8 above. Shocked by the above, the petitioner approached the first respondent with a complaint dated 10.01.2017 who subsequently directed her to the second respondent. When called for enquiry, the Power Agent came up with the alleged receipt dated 19.07.2013 to the utter shock of the petitioner and other principals/owners following which the respondent police did not take any action against the Power Agent Shanmugam and others.

While this being so, on 03.05.2017 Shanmugam and other person came to the residence of the petitioner and threatened her with dire consequences if the petitioner and her relatives continued to press for action regarding the property and that the petitioner and her relatives should move out of the place/area failing which they will be mercilessly killed. Afraid of the social status of the Power Agent and the other persons and the social and econmic muscle they wield, the visually challenged lady petitioner belonging to social and economic lower strata of the society had no other way except to relocate to Madurai to safeguard her

<https://hcservicescourts.gov.in/> The Power Agent and other persons have deliberately committed offences punishable under Sections 406, 417, 420, 468, 294(B), and 506(i) IPC. Therefore, the complaint has been given



to the respondent, namely, the Inspector of Police, Land Grabbing Cell, Coimbatore Rural, Coimbatore on 10.01.2017 and the first respondent has directed the Inspector of Police, Land Grabbing Cell, Coimbatore Rural, for further investigation. But till date, no action has been taken. Therefore, the petitioner approached this Court for the relief as stated supra.

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondents.

The learned Government Advocate (crl.side) represented that though the petitioner is residing at Madurai in Door No.127, Mohammedpuram first street, Thirumangalam Town, Madurai District, he is not within the jurisdiction of this Bench at Madurai, therefore, this Criminal Original Petition is not maintainable.

On perusal of the records, particularly, the Power of Attorney dated 19.07.2013, it is seen that the said Power of Attorney executed by the petitioner along with others are residing at Door No.187, Chellampalayam, Kaniyoor village, Sooloor Taluk, Coimbatore and the Power of Attorney Shanmugam, is residing at Old Door No.2/14 New Door No.2/24, Sankothipalayam, Kaniyoor village, Sooloor Taluk, Coimbatore District. Apart from this, the petition property is situated at Kaniyoor village, Sooloor Taluk, Coimbatore District. Except the complaint given by the petitioner with the address viz., No.127, Mohammedpuram 1st street, Thirumangalam Town, Madurai District, no other proof to support the case of the petitioner. Therefore, this Criminal Original Petition is dismissed with a liberty to file a petition before the Principal Bench of this Court.

Sd/-

Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. Superintendent of Police
Land Grabbing,
Coimbatore District,
Coimbatore.

2. Inspector of Police,
Land Grabbing Cell-Coimbatore Rural,
Coimbatore.

+1cc to M/S. S.GURUMOORTHY, Advocate, SR.No.56885.

+1cc to Special Government Pleader, SR.No.57234.