



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) .No.6273 of 2017

A.Mathan Mohan

: Petitioner

-Vs-

1. The Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2. The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.
(Crime No.442 of 2015).

3. The P.Rajapal

: Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure to direct the first and second respondents to attach said property as per Section 102 of the Code of Criminal Procedure comprised Survey Number.2676/10, Perungudi Village, Panakudi, Tirunelveli District, based on representation dated 11.05.2017 in Crime No.442 of 2015 on the file of the Inspector of Police, Panakudi Police Station, Tirunelveli District.

For Petitioner : Mr.Murugendiran,
For Mr.B.William

For Respondents 1&2 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

For Respondent No.3 : Mr.M.Maharajan

ORDER

On the complaint lodged by one Antony @ Ganesan, on behalf of the petitioner, the respondent police have registered a case in Crime No.442 of 2015 for offences under Sections 417, 471, 420, 468, 294(b) and 506(ii) of the Indian Penal Code against one Ravikumar and others and that the investigation is pending. While so, this petition has been filed for the above relief.

2. Heard Mr.Murugendiran, learned counsel for the petitioner,
Mr.K.Anbarasan, learned Government Advocate (Crl.side) for the



first and second respondents and Mr.M.Maharajan, learned counsel for the third respondent.

3. Mr.Murugendiran, learned counsel for the petitioner submitted that Palraj (A2) is the father of the third respondent herein and that Palraj had transferred the property in favour of the third respondent on 02.02.2016 after his release on bail in the present case and, therefore, the said property should be attached under Section 102 of the Code of Criminal Procedure.

4. Per contra, the learned counsel for the third respondent submitted that the property in question is their ancestral property inasmuch as it was inherited by Palraj (A-2) from his father.

5. This Court gave its anxious consideration to the rival submissions.

6. In the considered opinion of this Court, in the present facts and circumstances of the case, no order of attachment under Section 102 of the Code of Criminal Procedure can be ordered as prayed for by the petitioner.

7. In the result, this Criminal Original Petition is devoid of merits and accordingly, the same is dismissed with a direction to the respondent police to expeditiously complete the investigation in Crime No.442 of 2015 and take action in accordance with law.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.

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

+1 cc to Mr.B.William, Advocate in SR.No. 62440

SML

AE/JC/SAR1/07.07.2017/2P/5C