

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 27.04.2018]

[Delivered on : 23.08.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.Nos.227 to 235 of 2018

and

Crl.M.P.Nos.2363 to 2371 of 2018

Amuthameenakshi Petitioner in all Crl.R.Cs.

... Vs ...

The Inspector of Police,
District Crime Branch,
Coimbatore District,
Coimbatore.

.... 1st Respondent in all Crl.R.Cs.
/Complainant

V.G.Sankaranarayanan ... 2nd Respondent in Crl.R.C.No.227/2018
/De facto complainant

B.Santhini ... 2nd Respondent in Crl.R.C.No.228/2018
/De facto complainant

J.Jagadeesh ... 2nd Respondent in Crl.R.C.No.229/2018
/De facto complainant

P.Eli. Kumaresan ... 2nd Respondent in Crl.R.C.No.230/2018
/De facto complainant

E.Shanmugapriya ... 2nd Respondent in Crl.R.C.No.231/2018
/De facto complainant

S.Rengasamy ... 2nd Respondent in Crl.R.C.No.232/2018
/De facto complainant

P.Jamunarani ... 2nd Respondent in Crl.R.C.No.233/2018
/De facto complainant

V.Vikekananthan ... 2nd Respondent in CrI.R.C.No.234/2018
/De facto complainant

C.Senthilnathan ... 2nd Respondent in CrI.R.C.No.235/2018
/De facto complainant

PRAYER in all CrI.R.Cs.: Criminal Revision Cases filed under Section 397 r/w. 401 of Cr.P.C., against the order dated 28.12.2017 made in C.M.P.No.2004 of 2015 in C.C.No.4 of 2015, C.M.P.No.3571 of 2015 in C.C.No.50 of 2015, C.M.P.No.2005 of 2015 in C.C.No.51 of 2015, C.M.P.No.2011 of 2015 in C.C.No.52 of 2015, C.M.P.No.4024 of 2015 in C.C.No.92 of 2015, C.M.P.No.3128 of 2015 in C.C.No.94 of 2015, C.M.P.No.3130 of 2015 in C.C.No.95 of 2015, C.M.P.No.3129 of 2015 in C.C.No.123 of 2015 and C.M.P.No.6128 of 2015 in C.C.No.196 of 2015 respectively on the file of the learned Judicial Magistrate No.I, Coimbatore, and prays to set aside the same.

For Petitioner in
all CrI.R.Cs. : Mr.P.Saravana Sowmiyan

For R-1 in
all CrI.R.Cs. : Mr.R.Surya Prakash,
Government Advocate (CrI.Side)

For R-2 in CrI.R.C.
Nos.227 to 229/2018
& 232 to 235/2018 : Mr.K.Govi Ganesan

COMMON ORDER

These Criminal Revision Cases are filed seeking to aside the order passed by the learned Judicial Magistrate No.I, Coimbatore, in C.M.P.No.2004 of 2015 in C.C.No.4 of 2015, C.M.P.No.3571 of 2015 in C.C.No.50 of 2015, C.M.P.No.2005 of 2015 in C.C.No.51 of 2015, C.M.P.No.2011 of 2015 in C.C.No.52 of 2015, C.M.P.No.4024 of 2015 in C.C.No.92 of 2015, C.M.P.No.3128 of 2015 in C.C.No.94 of 2015, C.M.P.No.3130 of 2015 in C.C.No.95 of 2015, C.M.P.No.3129 of 2015 in C.C.No.123 of 2015 and C.M.P.No.6128 of 2015 in C.C.No.196 of 2015 respectively dated 28.12.2017 in dismissing the discharge petitions filed by the petitioner herein.

2. For better appreciation of facts of these cases, offences alleged against the petitioner and the cases registered against her are tabulated as hereunder:-

Sl .N o	Crl. R.C. No	Date of Occur rence	F.I .R. No.	C.C .No .	Offence U/Sec.	Accused	Charges
1.	227/ 18	15.06.11	16/ 14	1/1 5	120 (b), 468, 471 & 420	A.1- K.Mahadevan , A.2- Amutha Meenakshi	A1 & A2 received sum of Rs.16,17,500/- Forged Unapproved Site Plan as approved one - Plot belongs to one K.G.Gopal - But sold as belonging to A1 of one K.G.Gopal
2.	228/ 18	25.11.07	19/ 14	2/1 5	120 (b), 465, 468, 471 & 420 IPC r/w. 109 of IPC	A.1- K.Mahadevan , A.2- Amutha Meenakshi A.3- Karthick	A1 & A2 received sum of Rs.11,00,000/- Sold the land by forged Unapproved Site Plan as approved one - subsequently the same property was sold to one Thangavel
3.	229/ 18	Sep' 2010	20/ 14	4/1 5	120 (b), 468, 471 & 420 IPC	A.1- K.Mahadevan , A.2- Amutha Meenakshi	A1 & A2 received sum of Rs.11,70,000/- Sold the land by Forged Unapproved Site Plan as approved one - Plot belongs to one K.G.Gopal - But sold as belonging to A1

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Sl. No.	Crl. R.C. No	Date of Occurrence	F.I.R. No.	C.C. No.	Offence U/Sec.	Accused	Charges
4.	230/18	Jan' 2009	24/14	5/15	120 (b), 468, 471 & 420 IPC r/w. 109 of IPC	A.1- K.Mahadevan , A.2- Amutha Meenakshi A.3- Karthick	A1, A2 & A3 received sum of Rs.13,02,000/- by using forged sketch and unapproved Plan and sold the property to the de facto complainant - Plot belongs to one K.G.Gopal - But sold as belonging to A1
5.	231/18	2010	28/14	92/2015	465, 468, 471 & 420 of IPC	A.1Amutha Meenakshi	A1 received sum of Rs.9,80,000/- by using forged sketch and unapproved Plan and sold the property to the de facto complainant
6.	232/18	11.02.11	34/14	94/2015	468, 471 & 420 of IPC r/w. 109	A.1- K.Mahadevan , A.2- Amutha Meenakshi	A1 & A2 received sum of Rs.10,20,000/- by using forged sketch and unapproved Plan and sold the property to the de facto complainant
7.	233/18	27.01.11	34/14	95/2015	120 (b), 468, 471 & 420 of IPC r/w. 109	A.1- K.Mahadevan , A.2- Amutha Meenakshi A.3- Karthick	A1, A2 & A3 received sum of Rs.13,00,000/- by using forged sketch and unapproved Plan and sold the property to the de facto complainant - Plot belongs to one K.G.Gopal - But sold as belonging to A1

Sl .N o	Crl. R.C. No	Date of Occur rence	F.I .R. No.	C.C .No .	Offence U/Sec.	Accused	Charges
8.	234/ 2018	July 2007	35/ 201 4	123 /15	120 & 420 of IPC	A.1- K.Mahadevan , A.2- Amutha Meenakshi	A1 & A2 received sum of Rs.12,00,000/- by using forged sketch and unapproved Plan as sold the property to the de facto complainant
9.	235/ 18	2008	37/ 14	196 /20 15	120 (b), 468, 471 & 420 of IPC	A.1- K.Mahadevan , A.2- Amutha Meenakshi	A1 & A2 received sum of Rs.9,91,200/- by using forged sketch and unapproved Plan and sold the property to the de facto complainant - plot belongs one K.G.Gopal - But sold as belonging to A.1

3. Learned counsel appearing for the petitioner in all the cases would contend that the first respondent police has not followed the direction issued by this Court in Crl.O.P.No.17541 of 2014, dated 18.07.2014 and they ought not to have registered separate FIR but ought to have treated the subsequent complaints in respect of the same cause of action relating to the same village as Section 161 statement in the earlier case in FIR No.16 of 2014. It is further contended that there is no sufficient material on record to proceed with the cases against the petitioner and hence, he seeks for discharging the petitioner from the above cases.

4. Based on the complaint received from one Mr.Thangavel, an FIR No.19 of 2014 has been registered against A.1/K.Mahadevan, A.2/Amutha Meenakshi and A.3/Karthick for the alleged offences under Sections 120(b), 465, 468, 471 and 420 r/w. 109 IPC. After investigation, the case was taken on file as C.C.No.2 of 2014 and the contents of the said complaint is that by changing the unapproved site plan as approved one, the accused have sold the property to the complainant for a sum of Rs.11,00,000/- on 25.11.2007 so also another complaint was given by one Mr.K.G.Gopal against A.1/K.Mahadevan and A.2/Amutha

Meenakshi for cheating to the tune of Rs.11,70,000/- by way of selling plot in the year September 2010 and the said complaint was registered in Crime No.20 of 2014 and the case was taken on file as C.C.No.4 of 2015 and for the similar set of charges, as could be seen from the above Tabular Column, different de facto complainants have lodged different complaints.

5. According to the various de facto complainants, the accused have forged the unapproved site plan as approved one and sold the property to the various de facto complainants in FIR Nos.19 of 2014, 20/2014, 24/2014, 28/2014, 30/2014, 34/2014, 35/2014 and 37/2014 respectively. Though it is a common ground that the land in SF No.54/4 at Kurudampalayam village in Coimbatore North, originally belongs to one Mr.K.G.Gopal, however, by misrepresentation, the first accused claimed that he is the true owner of the property and with criminal conspiracy of A.2, the first accused had forged the unapproved plot and shown the same, as if it is approved lay out and sold the plots to various persons for various amounts. Based upon the various complaints given by the de facto complainants for the occurrence took place on different dates, documents were registered on different dates and therefore, the registration of different FIR cannot be found fault with.

6. After seeing the entire typed set of papers filed in all the cases, it is seen that the land in S.F.No.54/4 is originally belonged to one Mr.K.G.Gopal. However, it appears that the petitioner and other accused have pretended as if they are the original owners and also sold the property to the de facto complainants forging the unapproved plot as approved lay out and thereby, various de facto complainants have purchased various plots on various dates. After going through the statements recorded under Section 161 of Cr.P.C., I am of the considered view that the probative value of the documents has to be decided only during the time of trial, since it was contended by the learned counsel appearing for the revision petitioner that they are the stock witnesses and further, whether the charges will lead to conviction or not is not a point for determination at the stage of the discharge petitions. All that are required to be gone into in the stage of discharge petitions are that whether there are sufficient materials on record to proceed against the accused as they have committed the offence and as such, after going through the documents filed by the prosecution which was collected during the time of the investigation, I found that there is sufficient material to proceed against the accused under the charges with which they are charged and hence, the order passed by the trial Court though not a speaking order, however, for different reasons stated in the preceding paragraphs, is hereby confirmed and all the Criminal Revision

Cases are liable to be dismissed.

7. Accordingly, all the Criminal Revision Cases are dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

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Sub Assistant Registrar

Jr1

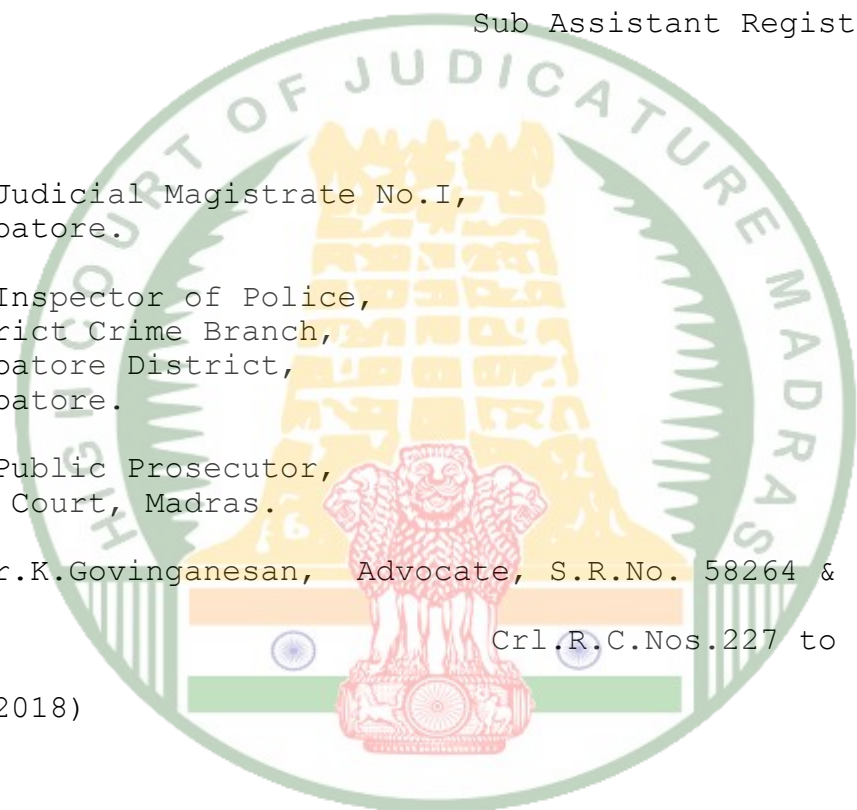
To

1. The Judicial Magistrate No.I,
Coimbatore.
2. The Inspector of Police,
District Crime Branch,
Coimbatore District,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

+9cc to Mr.K.Govinganesan, Advocate, S.R.No. 58264 & 57961

Cr1.R.C.Nos.227 to 235 of 2018

SS(CO)
GN(10/09/2018)



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