

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.10.2018

CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.21939 of 2018

Rajasekar .. Petitioner/Accused No.5
Vs

1.The State of Tamil Nadu,
Rep. By the Inspector of Police,
DCB, Erode,
Erode District.

2.Subramaniam .. Respondents/Defacto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records pursuant to the Crime No.14 of 2018 pending investigation on the file of the respondent police, and quash the same.

For Petitioner : Mr.N.Chinnaraj

For R1 : Ms.M.Prabhavathi, APP

O R D E R

The property in question, namely, Door No.13, Brindavan Garden, Modachur Village, Gopi Taluk, together with 11 cents of vacant land, was sold by A1 to A4 to the defacto complainant and her daughter, vide sale deed document No.1490/2012, dated 31.05.2012, registered in the office of the Sub Registrar, Gopichettipalayam. After the purchase of the property, it is case of the defacto complainant that she received a notice in O.S.No.20 of 2008, on the file of the Sub-Court, Gobichettipalayam, for impleading her as a party in the partition suit filed by A5 (petitioner herein).

2. In such circumstances, the defacto-complainant gave a complaint to the police alleging that A1 to A5 had suppressed the pendency of the suit in O.S.No.20 of 2008 and had sold the property to her in the year 2012. Since the police did not take any action, the defacto-complainant filed Crl.OP.No.5807 of 2018 for a direction and thereafter, on the direction of this Court dated 26.02.2018, the Police have registered the present FIR, for quashing which, A5 is before this Court.

3. Heard the learned counsel appearing for A5 / petitioner herein and the learned Additional Public Prosecutor appearing for the first respondent.

4. Learned counsel for the petitioner submitted that the property in question is a joint family property. On coming to know that A1 had sold the property in question to the defacto-complainant, the petitioner had no other option but to make the defacto-complainant as a party in O.S.No.20 of 2008. He has further submitted that the petitioner sought for a declaration to declare the settlement deed as null and void. In fine, learned counsel for the petitioner submitted that when there is no love lost between A5 and, A1&A2, the possibility of the petitioner conspiring with A1 and A2 and selling the property to the defacto complainant is highly improbable.

5. There appears to be much force in the submission of the learned counsel for A5/petitioner herein. But, however, it is for the police to investigate and find out whether A5 had colluded with A1 and A2. Hence, this Court directs the Deputy Superintendent of Police, Erode, to monitor the investigation in Crime No.14 of 2018, that is being conducted by the Inspector of Police and if it is found that A5 had no role in the sale, it is needless to state that further action against A5 should be dropped.

Accordingly, for the reasons stated above, this petition is closed.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Inspector of Police,
DCB, Erode.

2.The Public Prosecutor,
High Court, Madras.

3.The Deputy Superintendent of Police,
Erode.

CRL.OP.No.21939 of 2018

VN II(CO)

rrs 25/10/2018