

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.20756 and 11940 of 2018

N.Ashok Kumar

.. Petitioner
in both Crl.OP.

Vs

The State of Tamil Nadu,
Represented by Inspector of Police,
B-4, High Court Police Station,
High Court Range, High Court,
Chennai-104.

... Respondent
in Crl.OP.20756/18

1.The State of Tamil Nadu,
Rep. by Inspector of Police,
Central Crime Branch-1,
C/o.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai 600 007.

2.Ishrath

3.Showkath

4.Durdana

5.Raffath

... Respondents
in Crl.OP.11940/18

Crl.OP.No.20756 of 2018 filed under Section 482 Cr.P.C.,
praying to direct the first respondent to register an F.I.R
forthwith upon the C.S.R.No.114 of 2018 dated 10.08.2018 (based
on the petitioner's complaint dated 10.08.2018) proceed with the
investigation into the allegations made therein and consequently
file a final report before the appropriate Court.

Crl.OP.No.11940 of 2018 filed under Section 482 Cr.P.C.,
praying to direct change of investigation relating to the FIR
No.141, dated 03.06.2016 pending on the file of the 1st
respondent to the file of CBCID or any other independent
investigating agency.

For Petitioner
in Crl.OP.20756/18 : Mr.S.Mohanakrishnan

For Petitioner
in Crl.OP.11940/18 : Mr.K.Azhagarasan

For Respondent
in Crl.OP.20756/18 &

For 1st Respondent
in Crl.OP.11940/18 : Mr.C.Raghavan, GA

C O M M O N O R D E R

On the complaint lodged by the petitioner, the Central Crime Branch, Chennai have registered a case in Crime No.141 of 2016 on 03.06.2016 under Sections 420, 465, 468, 471, 474 r/w 120B IPC against six accused. It is the case of the de facto complainant, that the property measuring 3 acres and 56 cents in T.S.Nos.131/1, 131/2, 131/3 in Kalki Krishnamurthy Salai, Thiruvanmiyur, originally belongs to one Kandasamy Gramani; Kandasamy Gramani executed a Will dated 07.12.1960, by which, the property devolved on his four sons and five daughters; the Will was Probated in O.P.No.201 of 1972. The de facto complaint is the son of one Mohanambal, who is the daughter of the said Kandasami Gramani and therefore, he has a share in the property; when the legal heirs of Kandasami Gramani took steps to sell the property, they came to know that the accused herein had conspired with the registration officials to insert forged sheets into the records of the office of the Sub Registrar; based on which, they created encumbrances on the said property. It is the specific case of the de facto complainant that the accused had forged the sale deed document No.547 of 1966 dated 26.02.1966 in an ingenious manner, by preparing the sale deed in Rs.1,000/- denomination stamp papers, which was not printed in the year 1966. Hence, the complaint and the FIR.

2.The Inspector of Police, Central Crime branch has filed a Status Report, wherein in paragraph No.9, he has stated as follows:

"9.I submit that the then Inspector of Police sent a requisition letter to the District Treasury Officer, Chennai, in order to verify the year of the introduction of 1000/- and 500/- Non Judicial Stamp Paper and they obtained the reply from India Security Press, Nashik Road and forwarded the same to us which reveals the following;

"ISP (India Security Press) they did not

aware the date of release of Rs.1000/- deno NJSP (Non Judicial Stamp Paper) in a given State or region as ISP only printing the security documents for the Govt. of India as per their requirement. From the available records, the date of first printing of Rs.1000/- deno Non Judicial Stamp Paer (issue 1976-A) without serial number and State name is 9/2/1977. However, the New design has been implemented in all deno NJSP with security thread, State name, Serial Nos. has been introduced form July 2004 onwards".

3.However, the de facto complainant and the other legal heirs have filed a suit in O.S.No.9476 of 2011 to declare all the documents as null and void and the said Suit is now pending on the file of the III Assistant City Civil Court, Chennai, in which, the accused are defendants. While this being so, the de facto complainant came to know that a fresh Suit in O.S.SR.No.31552 of 2018 was filed in his name, without his knowledge, by an advocate by name V.Gandhimathi in the City Civil Court, Chennai against the Sub-Registrar of Saidapet, in which, a declaration was sought for deleting the entries of the Sub-Registrar in respect of document No.3532 of 1957 dated 28.11.1957. On coming to know of this, the de facto complainant lodged a complaint to the Registrar, City Civil Court, Chennai and also to the Inspector of Police, High Court Police Station.

4.On the complaint given by the petitioner, the High Court Police Station have registered CSR.No.114 of 2018 and they have not registered any regular FIR. The original plaint in O.S.SR.No.31552 of 2018 and documents are now in the custody of the Registrar, City Civil Court. The de facto Complainant has obtained certified copies of all those documents, in support of his contention that the suit was filed by an impersonator.

5.The nature of the allegations in these cases appears to be very serious, inasmuch as the records relating to document No.3532 of 1957 have been manipulated in the office of the Sub Registrar and that have been followed with the creation of a sale deed with Rs.1,000/- denomination stamp papers in document No.547 of 1966 dated 26.02.1966; a bogus suit in O.S.SR.No.31552 of 2018 has been filed in the City Civil Court, in the name of the de facto complainant for a very strange relief. It is also brought to the notice of this Court that the counsel who had attested the vakalat and the affidavit for interim injunction in the bogus suit, by name K.Radha (enrolment No.2173 of 2005) had died and was not alive on the date, when the vakalat and affidavit was attested.

6.Under such circumstances, this Court is of the view

that interest of justice will be served, if all the cases are transferred to the CBCID. Accordingly, the case in CCB-I Crime No.141 of 2016 and the case in High Court Police Station CSR.No.114 of 2018 be transferred to the CBCID-Metro, Chennai. The Inspector of Police, Central Crime Branch, Chennai is directed to handover all the case records to the Superintendent of Police, CBCID-Metro, Chennai, within two weeks from the date of receipt of a copy of this order. The Inspector of Police, B-4 High Court Police Station is directed to handover the records in CSR. No.114 of 2018 to the Superintendent of Police, CBCID-Metro, Chennai within two weeks from the date of receipt of a copy of this order.

7.The Registrar, City Civil Court, Chennai is directed to keep the records relating to O.S.SR.No.31552 of 2018 in safe custody and handover the same to the CBCID, as and when they require. The pendency of O.S.No.9476 of 2011 on the file of the III Assistant City Civil Court, Chennai, shall not in any way prejudice or affect the Police investigation. If the CBCID requires any document from the file of O.S.No.9476 of 2011, they may approach the Registrar, City Civil Court, Chennai and obtain the same for investigation purpose.

With the above direction, these petitions are closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

dua/gya

To

1.The Inspector of Police,
B-4, High Court Police Station,
High Court Range, High Court, Chennai-104.

2.The Inspector of Police,
Central Crime Branch-1,
C/o.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai 600 007.

3.The Registrar,
City Civil Court, Chennai.

4.The Superintendent of Police,
CBCID-Metro, Chennai.

5.III Assistant City Civil Court,
Chennai.

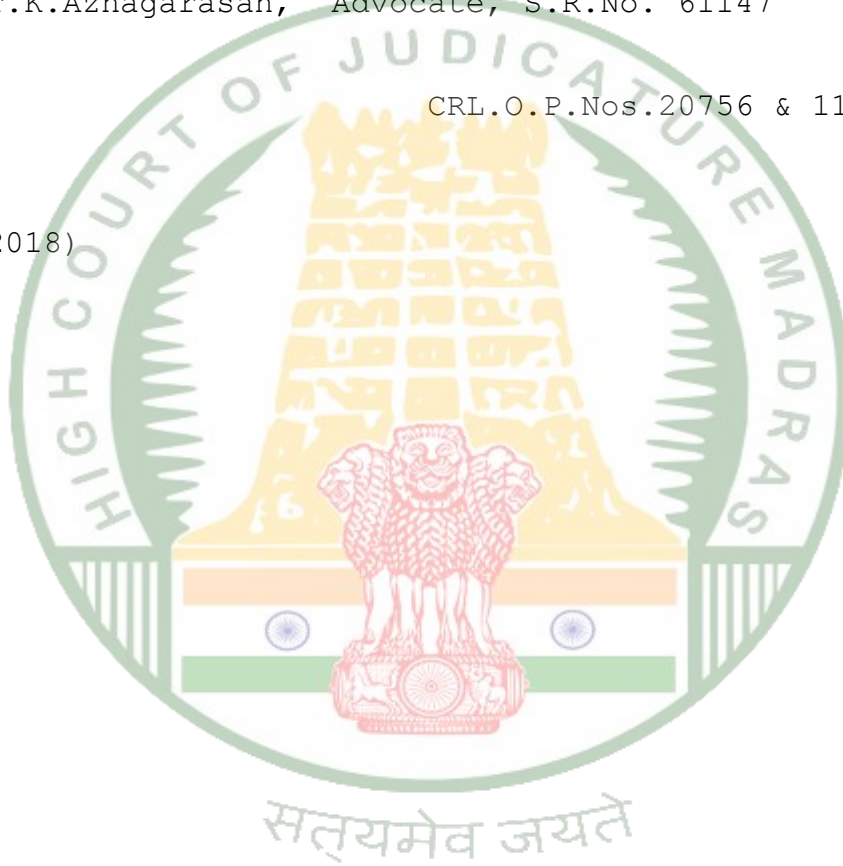
6.The Public Prosecutor,
High Court, Madras.

+5cc to Mr.S.MohanaKrishnan, Advocate, S.R.No. 61148

+5cc to Mr.K.Azhagarasan, Advocate, S.R.No. 61147

CRL.O.P.Nos.20756 & 11940 of 2018

VGII(CO)
GN(07/09/2018)



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