

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.24211 of 2017 and 11549 of 2018
and Crl.M.P.Nos.13995 of 2017 & 3231 of 2018

T.Sam Jacob ...Petitioner in Crl.O.P.24211/2017
T.M.P.Rajamanickam ...Petitioner in Crl.O.P.11549/2018

Vs.

1.State rep. by
The Inspector of Police
Anti Land Grabbing Cell
Kancheepuram
Kancheepuram District.

... R1 in Crl.O.P.No.24211/2017
and sole respondent in
Crl.O.P.11549/2018

2.T.M.P.Raja Manickam ...R2 in Crl.O.P.24211/2017

Crl.O.P.No.24211 of 2017 filed under Section 482 of Cr.P.C.
to call for the records and quash the FIR in Cr.No.1 of 2017 on
the file of the 1st respondent/complaint as far as the
petitioner is concerned.

Crl.O.P.No.11549 of 2018 filed under Section 482 of Cr.P.C.
to direct the respondent to investigate the case in Cr.No.1 of
2017 and file the charge sheet.

For Petitioner : Mr.P.K.Ganesh
in Crl.O.P.24211/2017

For Petitioner : Mr.P.Balakrishnan
in Crl.O.P.11549/2018

For R1 : Mr.C.Raghavan
in Crl.O.P.No.24211/2017 Government Advocate (Crl.Side)
and sole respondent in
Crl..O.P.11549/2018

For R2 : Mr.P.Balakrishnan
Crl.O.P.24211/2017

COMMON ORDER

While Crl.O.P.No.24211 of 2017 has been filed to call for the records and quash the FIR in Cr.No.1 of 2017 on the file of the 1st respondent, Crl.O.P.No.11549 of 2018 has been filed to direct the respondent to investigate the case in Cr.No.1 of 2017 and file the charge sheet.

Crl.O.P.No.24211 of 2017:

2. On the complaint lodged by Rajamanickam, the respondent police have registered a case in Cr.No.1 of 2017 on 13.01.2017 under Sections 465, 468, 471, 420 and 34 IPC against Lakshmi and three others including the petitioner herein, who has been shown as A2. It is the case of the de facto complainant that the property in question measuring 2,400 sq.ft. belongs to one Subbiah Solamalai, who is a normal resident of Sri Lanka. Knowing about this fact, one Lakshmi [A1] created a Death Certificate as if Subbiah Solamalai had died on 10.02.2005 and that she is the only legal heir of the said Subbiah Solamalai, to establish which, she had also fabricated a legal heirship certificate to that effect. On the strength of these forged documents, she has sold the property to the petitioner on 06.10.2006. The petitioner, thereafter, sold the property to Candida Jane Maria [A3]. On coming to know of it, the said Subbiah Solamalai gave a Power of Attorney to Rajamanickam, on the strength of which, a complaint was given to the police and the present FIR has been registered.

3. Learned counsel for the petitioner submitted that the petitioner has handed over the property to the de facto complainant and therefore, the prosecution should be quashed.

4. It may be relevant to state here that this Court had an occasion to deal with this case in extenso in Crl.O.P.No.13587 of 2017 and this Court has granted anticipatory bail to the petitioner vide order dated 21.09.2017. However, the investigation should proceed to nab Lakshmi and other accused who were responsible for fabricating the Death Certificate and legal heirship certificate in respect of a living person. Since there are prima facie materials in the FIR, this Court is of the view that this is not a fit case to quash the FIR. Accordingly, Crl.O.P.No.24211 of 2017 stands dismissed.

Crl.O.P.No.11549 of 2018:

5. Coming to Crl.O.P.No.11549 of 2018, this Court directs the respondent police to expeditiously complete the investigation and take all necessary steps to identify the impersonator. Rajamanickam and Subbiah Solamalai are directed to co-operate with the police in the investigation. With the said direction, Crl.O.P.No.11549 of 2018 is closed.

To sum up, Crl.O.P.No.24211 of 2017 stands dismissed and Crl.O.P.No.11549 of 2018 stands closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
Anti Land Grabbing Cell
Kancheepuram
Kancheepuram District.

2.The Public Prosecutor
High Court, Madras.

+2cc to Mr.P.BALAKRISHNAN, Advocate, S.R.No.48430 & 48429
+1cc to Mr.P.K.GANESH, Advocate, S.R.No. 48683

Crl.O.P.Nos.24211 of 2017
and 11549 of 2018

TR(03/08/2018)

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