



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2018

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl. OP (MD) No. 20125 of 2013

and

MP (MD) No. 1 of 2013

J. Govindarajan

... Petitioner/Accused 1

Vs.

1. The Inspector of Police, (Crime),
K.K. Nagar Police Station,
Trichy City.

2. The Sub Registrar,
Sub Registrar Office,
K. Sathanoor, Trichy.

... Respondents/Complainant

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records relating to Crime No. 479 of 2011 on the file of Inspector of Police (Crime), K.K. Nagar Police Station, Trichy City and quash the same.

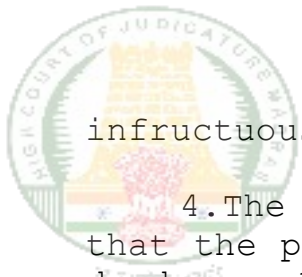
For Petitioner : Mr. M. Suresh Kumar

For Respondents : Mr. Prabhu Ramachandran,
Government Advocate (Crl. Side)**ORDER**

The first respondent herein registered Crime No. 479 of 2011 against the petitioner herein and his sister Soundram Ammal under Sections 468, 471 IPC. To quash the same, this Criminal Original Petition has been filed.

2. This Criminal Original Petition has been filed way back in the year 2013. When the matter was taken up for hearing, it was reiterated on either side that the final report has been filed. When this Court posed a specific query as to on which date the final report was filed, it was submitted that the final report was filed on 03.04.2018.

3. This Court is of the view that the final report has been filed on the eve of final hearing of this petition to frustrate the hearing of this O.P. and to render this petition as



infructuous.

4.The learned counsel appearing for the petitioner submitted that the petitioner's sister Soundaram Ammal executed a settlement deed on 18.03.2008 in favour of the petitioner. The said settlement deed was presented for registration before the second respondent herein, the registering authority. Since the patta in respect of the property in question was not produced before the registering authority, he declined to register the same.

5.The petitioner herein filed WP(MD)No.12565 of 2010 before this Court. This Court by order dated 01.11.2010 directed the re-submission of the said document together with the original patta pass book. Thereafter, the petitioner herein had resubmitted the settlement deed executed by his sister in his favour along with the patta pass book. The registering authority referred the matter to the Tahsildhar to verify the genuineness of the said document. The local Tahsildar thereafter informed the second respondent herein that the photo copy of the patta forwarded by the registering authority to him was not genuine. Thereupon, the first respondent herein registered Crime No.479 of 2011.

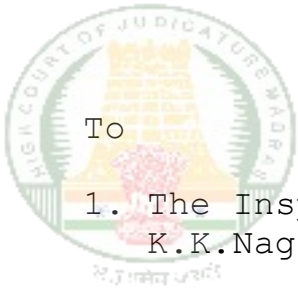
6.The learned counsel for the petitioner now submitted that the executant of the settlement deed namely Soundaram Ammal is no more. She had passed away as early as on 06.03.2010. The petitioner herein was only the beneficiary under the said settlement deed executed by the said Soundaram Ammal. Till date, the said document has not been registered.

7.Since the executant of the said document has also passed away, the said document cannot be pressed into service any further. In this case, the petitioner's sister wanted to settle her assets on the petitioner. There is absolutely no rival claim. The said executant has since passed away. Therefore, no purpose will be served in keeping this prosecution alive. The first respondent also submitted before this Court that the final report filed by him is yet to be taken on file. No purpose will be achieved by permitting the prosecution to continue. In the interest of justice, this Court quashes the impugned proceedings. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1. The Inspector of Police, (Crime),
K.K.Nagar Police Station, Trichy City.

2. The Sub Registrar,
Sub Registrar Office,
K.Sathanoor, Trichy.

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

+ 1 cc TO Mr.M.Suresh Kumar , Advocate in SR No. 60279

skm

AE/KKR/SAR2/26.04.2018/3P/5C

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and
MP (MD)No.1 of 2013
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