

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.3241 of 2019

and

CrI.M.P.No.2104 of 2019

1.Noorjahan Beevi
W/o.Oli Mohammed

2.Jegabar Ammal ...Petitioners/Accused 1 and 3

Vs.

1.State Represented by
Inspector of Police,
Land Grabbing Special Cell,
Nagapattinam District,
(Crime No.6 of 2018) ... 1st Respondent/Complainant

2.Noorjahan Beevi
W/o.Shagul Hameed
...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under
Section 482 of Cr.P.C.,to call for the records and quash
the complaint in crime No.6 of 2018 pending on the file
of the 1st respondent Police.

For Petitioner : Mr.S.Shankar

For Respondents: Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed under
Section 482 of Cr.P.C.,to call for the records and quash
the complaint in crime No.6 of 2018 pending on the file
of the 1st respondent Police under Sections 120B, 419,
465, 468, 471 & 420 I.P.C.,

2.It is seen from the records that the petitioners
herein were arrayed as A1 to A3. Admittedly, there is a
counter case in Crime No.6 of 2018 as against the 2nd

respondent and others registered for the offences under Section 120B, 419, 465, 468, 471 & 420 IPC on the file of the first respondent police, in which the first respondent has also filed charge sheet in CrI.M.P.No.3024 of 2018 on the file of the learned Judicial Magistrate, No.1 Nagapattinam. It is seen that both the cases were filed in order to attract the offences under Section 120B, 419, 465, 468, 471 & 420 IPC as against the petitioners and the second respondent in his counter case.

3.The learned counsel for the petitioner submitted that she is the absolute owner of the property she derived the title by way of inheritance and she was in possession and enjoyment of the same for the last 5 decades and patta stands in her name in the year 2012 and she sold the property to her son in law by way of sale deed. Thereafter, her son in law is the absolute owner of the property. The revenue records, property tax, E.B. stands in his name. Under these circumstances, the defacto complainant along with another person trying to grab the property. Hence, this petition.

4.The learned Additional Public Prosecutor has submitted that the 2nd respondent / defacto complainant is the absolute owner of the property and she derived the title by way of inheritance and it was her ancestral property her mother executed a settlement deed in favour of her in the year 1986 by the Registered settlement deed No.943 of 1986. The petitioner's name is also Noorjahan Beevi, wife of Oli Mohammed. The petitioner impersonated herself as defacto complainant and executed a registered sale deed in favour of Mohammed Miran Hussain. Hence, a case has been registered by the respondent police.

5.Heard both sides.

6.As there is a specific allegation and averments submitted by the learned Additional Public Prosecutor, quashing of FIR at the threshold amounts to kill the born child. Hence, this Court is not inclined to quash the F.I.R. Accordingly, this Criminal Original petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/--

Assistant Registrar(CS vi)

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Sub Assistant Registrar

vsn/kas

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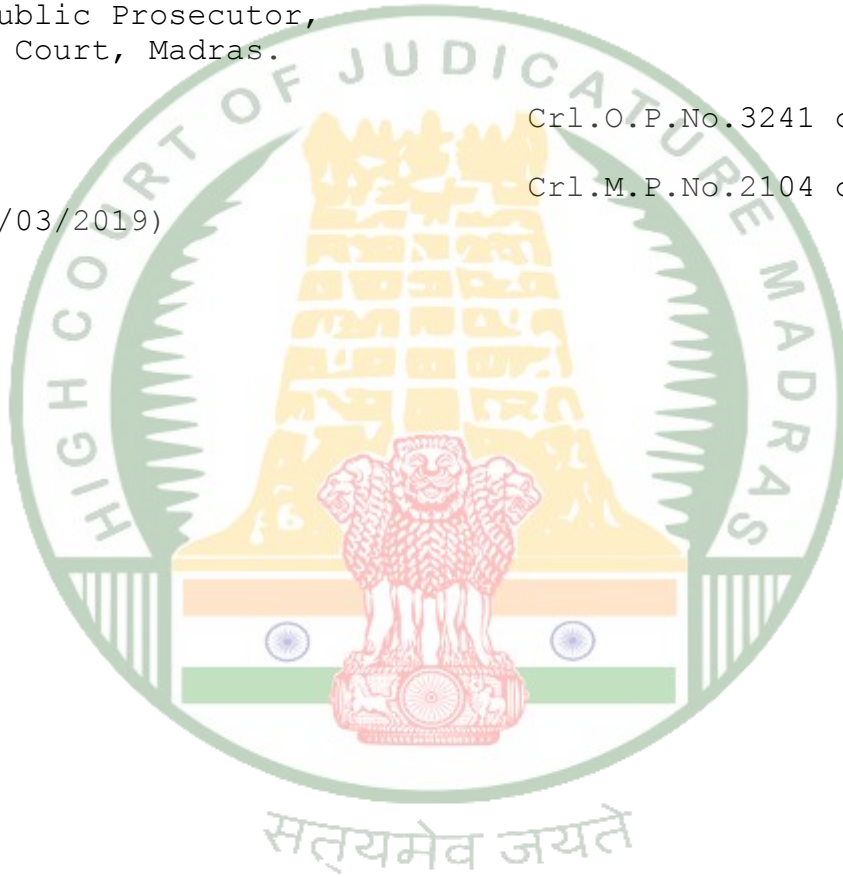
1.State Represented by
Inspector of Police,
Land Grabbing Special Cell,
Nagapattinam District,
(Crime No.6 of 2018)

2.The Judicial Magistrate No.1, Nagapattinam

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3241 of 2019
and
Crl.M.P.No.2104 of 2019

A.SK(13/03/2019)



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