

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19399 of 2019
and
Crl.M.P.No.9936 of 2019

R.Ravichandran .. Petitioner / Accused No.2

vs.

1. State rep. by its
The Inspector of Police,
S-10, Pallikaranai Police Station, Chennai
Crime No:612/2019 .. Respondent / Complainant

2. Prabhu Paulraj .. Respondent / Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records comprised in FIR in Crime No.612 of 2019 pending on the file of the Inspector of Police, S-10, Pallikaranai Police Station, Chennai-100 and quash the same against Petitioner/Accused-2.

For Petitioner : Mr.Vimal B.Crimson

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

Mr.V.Karnan (for R2)

ORDER

This petition has been filed seeking to quash the F.I.R. in Crime No.612 of 2019.

2.The complaint was given by the 2nd respondent on the ground that the petitioner had executed a power of attorney in his favour in the year 2014 and had received a sum of Rs.25,00,000/-. Later on enquiry he found that the petitioner had become the owner of the property by virtue of the sale deed dated 06.11.1996 and the sale deed itself has been executed in

favour of the petitioner by impersonation and forgery, by a person claiming himself to be Abdul Karim.

3.The learned counsel for the petitioner submitted that the petitioner has not sold the property in favour of the defacto complainant and only power of attorney has been given in the year 2014. After nearly five years, the defacto complainant has questioned the title of the petitioner and has given a complaint before the respondent police and the respondent police even without conducting a preliminary enquiry, had straight away proceeded to register an FIR against the petitioner and others.

4.The learned counsel for the petitioner further submitted that the total extent of the property is 4800 sq. ft. and only 2400 sq. ft. on the western side was sold in favour of the petitioner by virtue of the sale deed dated 06.11.1996. The other portion of the property namely, the remaining 2400 sq. ft. on the eastern side was sold in favour of Jothi Ammal and others. Jothi Ammal and others had executed a power of attorney in favour of the defacto complainant in the year 2014 and the defacto complainant has dealt with the property and sold it to several third parties. By pointing out to those documents, the learned counsel submitted that if the sale deed executed in favour of the petitioner is bad due to impersonation and forgery, the same will equally apply to the sale deed, which was executed in favour of Jothi Ammal and others also. Therefore, according to the learned counsel for the petitioner, the entire complaint is an arm twisting tactics adopted by the 2nd respondent and there is absolutely no genuineness in the complaint given by the 2nd respondent.

5.The learned Additional Public Prosecutor on instructions submitted that the property originally belonged to one Gopinathan. He sold the property in favour of one Abdul Karim. This Abdul Karim died on 25.12.1986 and the property vested on his daughter namely, Zamrutlisha. She in turn sold the property in favour of Perumal and Vinobaabe in the year 2000. This is the genuine transaction that has taken place in this case. However in the course of investigation, it was found that Abdul Karim was impersonated by one Chaandran, who is the son of the original owner and he had executed the sale deed in favour of the petitioner and others for the entire property. The learned Additional Public Prosecutor submitted that the respondent police will have to investigate the entire case including the role played by the defacto complainant in this case, since he has dealt with a portion of the property and sold it to third parties. Therefore, the learned Additional Public Prosecutor requested this Court not to interfere with the investigation at this stage.

6.Taking into consideration the facts and circumstances of the case, this Court is of the considered view that this case has to be investigated by some specialised agency dealing with land grabbing cases. The investigation has to be conducted on a wholesome basis taking into account the transactions which took place from the year 1996 onwards.

7.The investigation pending on the file of the respondent police in Crime No.612 of 2019 is hereby transferred to the file of the Deputy Commissioner, Central Crime Branch, Chennai. The entire case records shall be handed over to the Deputy Commissioner, Central Crime Branch, Chennai within a period of two weeks from the date of receipt of copy of this order. On receipt of the case diary, the Deputy Commissioner, Central Crime Branch, Chennai, is directed to allot this case to a team headed by an Inspector of Police and direct the investigation to be conducted effectively. The investigation shall take into account the transactions that happened from the year 1996 onwards and all the accused persons shall be brought to book.

8.This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

vs
To

Sub Assistant Registrar

1. The Deputy Commissioner,
Central Crime Branch, Chennai
2. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Karnan, Advocate, S.R.No.65718
+1 cc to Mr.Vimal B.Crimson, Advocate, S.R.No.65427

CrI.O.P.No.19399 of 2019
and
CrI.M.P.No.9936 of 2019

PP (CO)
SSM(20/08/2019)