



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Friday, the Fifteenth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.2789 of 2016

IN

CRL OP(MD) No.2836 of 2016

AYYAPPPAN

... PETITIONER/ 2nd RESPONDENT

Vs

1 C.SURESHRAMAN NADAR

2 VELAYAUTHA PERUMAL

3 AMITHAKANI

4 KUMAR PONNAIAH

5 KUMARA UDAYA MARTHANDAN

6 ANNALAKSHMI

7 BALASUBRAMANIAN

... RESPONDENTS/ PETITIONERS

8 STATE REP. BY

THE INSPECTOR OF POLICE,

DISTRICT CRIME BRANCH,

KANYAKUMARI DISTRICT.

CRIME NO.24/2015

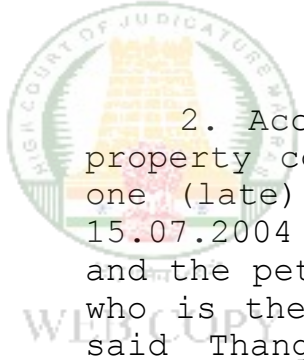
... COMPLAINANT /1st RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to vacate the interim stay granted by this Hon`ble court in CRL.M.P.No.1394 of 2016 in CRL.OP(md)No.2836 of 2016 dated 17/02/2016.

Prayer in CRL MP(MD). 1394/ 2016 in CRL.OP(MD)No.2836 of 2016 :

To grant an order of AD INTERIM STAY of all further proceedings in Crime No.24 of 2015 pending investigation on the file of the 1st Respondent, pending disposal of the main Criminal Original Petition and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.N.DILIP KUMAR, Advocate for the petitioner and of MR.R.ANAND, Additional Public Prosecutor for R8, the court made the following order:-



2. According to the defacto complainant, he has purchased the property comprised in S.No.409/9, to an extent of 10.8 cents from one (late) Thangamani Nadar, by way of registered sale deed dated 15.07.2004 and 31.03.2005. The said Thangamani Nadar has no issues and the petitioners herein are the sons of one Chellathangam Nadar, who is the brother of the defacto complainant's vendor namely the said Thangamani Nadar. Thangamani Nadar has also executed a settlement deed infavour of the accused 1, 2, 4 & 5 in respect of his properties, wherein he has specifically mentioned about the alienation of 10.8 cents of land in favour of the defacto complainant. Suppressing these facts, the accused persons, after the demise of the said Thangamani Nadar, have executed a partition deed among themselves in respect of the properties, including the property purchased by the defacto complainant. Though the accused 1, 2, 4 & 5 have executed a deed of acceptance in favour of Thangamani Nadar undertaking that they will not dispute the sale of 10.8 cents of land in favour of the defacto complainant, with a criminal intention, they had executed a partition deed including his property. Hence, he lodged the present complaint.

3. When the matter came up for admission on 17.02.2016, this Court has granted an order of interim stay.

4. This petition in Crl.M.P(MD)No.2789 of 2016 has been filed to vacate the interim stay.

5. Heard the learned counsel on either side.

6. This Court feels that a prima facie case has been made out by the defacto complainant that knowing fully well that 10.8 cents of land has been sold to the defacto complainant, the accused persons have included the properties in the partition deed. Since, the investigation is in the preliminary stage, this Court is inclined to vacate the interim stay.

7. Accordingly, the interim stay already granted by this Court in Crl.M.P.No.1394 of 2016 in Crl.O.P.No.2836 of 2016 dated 17.02.2016 is vacated.

8. The respondent police is directed to complete the investigation within a period of two months from the date of receipt of copy of this order and report the same before this Court.

9. Post the main criminal original petition after two months.

sd/-  
15/03/2019

/ TRUE COPY /



TO

1 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
KANYAKUMARI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.DILIP KUMAR, Advocate ( SR-4973[I] dated 15/03/2019 )

ORDER

IN

CRL MP (MD) No.2789 of 2016

IN

CRL OP (MD) No.2836 of 2016

Date :15/03/2019

JM/PN/SAR 3/26.04.2019/3P/4C