



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. (MD) No.5500 of 2014

and

M.P. (MD) No.1 of 2014

Navaneetha Krishnan Reddiyar ... Petitioner / Accused No.4

VS.

1.The State; Represented by its  
Inspector of Police  
City Crime Branch  
Tirunelveli City ... 1<sup>st</sup> Respondent / Complainant

2.Arumugam ... 2<sup>nd</sup> Respondent /  
De facto Complainant

**PRAYER:** Petition is filed under Section 482 Cr.P.C., to call for the records in C.C.No.52 of 2012 on the file of the Judicial Magistrate No.I, Tirunelveli and quash the same with respect to the petitioner.

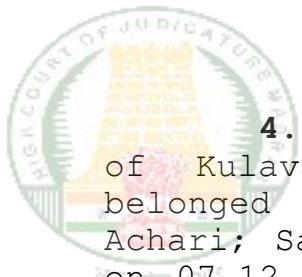
For Petitioner : Mr.T.A.Ebenezer  
For Respondents : Mr.K.Dinesh Babu  
Additional Public Prosecutor for R1  
Mr.H.Arumugam for R2

### **ORDER**

For the sake of convenience, the parties will be referred to by their name.

2. Arumugam (*de facto* complainant) filed a petition under Section 156(3) Cr.P.C. before the learned Judicial Magistrate No.I, Tirunelveli and on the orders of the learned Judicial Magistrate, the Police registered a case in Crime No.40 of 2007, on 08.08.2007, under Sections 420, 467 and 468 r/w 120-B I.P.C. against 16 accused and after completing the investigation, have filed Charge Sheet in C.C.No.52 of 2012, before the learned Judicial Magistrate No.I, Tirunelveli, against nine accused, of whom, two are dead. Challenging the Charge Sheet, Navaneetha Krishnan Reddiyar (A4) is before this Court.

3. Heard the learned counsel on either side and carefully perused the Final Report.



4. The property in question, comprised in Survey No.1002/2 of Kulavanikarpuram Village, measuring 73 cents, originally belonged to Sankaran Achari, Muppidathi Achari and Nallakkannu Achari; Sankaran Achari died on 26.12.1924; Muppidathi Achari died on 07.12.1951 and Nallakkannu Achari died on 21.05.1953. It is alleged in the Charge Sheet that A1 to A9 had entered into a criminal conspiracy along with others and had two documents, namely, document Nos.2145 of 1957, dated 10.07.1957 and 1624 of 1962, dated 15.04.1962, registered in the Sub-Registrar Office, Palayamkottai, by forging the signatures of Muppidathi Achari, Nallakkannu Achari and Sankaran Achari. On the strength of these documents, the property was transferred to various persons over a period of time and ultimately, in the year 1993, Navaneetha Krishnan Reddiyar obtained a Power of Attorney dated 23.07.1993 from Kanthaiah, Mani Sankar, Eswara Thevar, Daniel Jeyadoss, Ben Thomas, Paul Jesudoss and Kandha Thevar and sold the property to Radhakrishnan on 02.12.1996.

5. It is seen that Navaneetha Krishnan Reddiyar was 48 years old in the year 2014. The alleged transactions had taken place between 1957 and 1962, during which time, it is doubtful as to whether Navaneetha Krishnan Reddiyar would have even been born. Even if he had been born, he would have been a child during 1957-1962. That apart, he came into the picture only in the year 1993. Hence, the prosecution of the petitioner in the year 2012 in respect of an offence of the year 1957-1962 is an abuse of process of law.

6. In the result, the Criminal Original Petition is allowed and the proceedings in C.C.No.52 of 2012, on the file of the learned Judicial Magistrate No.I, Tirunelveli, against the petitioner herein is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Judicial Magistrate No.I,  
Tirunelveli.

2.The Inspector of Police,  
City Crime Branch,  
Tirunelveli City.



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

+1CC TO MR.H.ARUMUGAM, Advocate Sr. No.56210

+1CC TO MR.T.A.EBENEZER, Advocate Sr. No. 56453

**Crl.O.P.(MD) No.5500 of 2014**  
**and**  
**M.P.(MD) No.1 of 2014**

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