



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

Cr1.O.P. (MD) .No.3712 of 2016

and

Cr1.M.P. (MD) .No.1873 of 2016

Anbukarasi

... Petitioner/Sole Accused
Vs.

1.State represented by
the Inspector of Police,
Mandala Manickam Police Station,
Ramnad District,
Crime No.4/2016. ...1st Respondent/Complainant

2. Manavalamamuni ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records related to Cr.No.4/16 on the 1st respondent/Complainant and to quash the entire complaint and all its relevant proceedings pending on the file of the 1st respondent / Complainant.

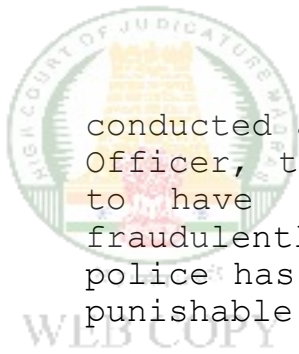
For Petitioner : Mr.R.Babu Jaganath
For R1 : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

The criminal original petition is filed to quash the F.I.R. in Crime No.4 of 2016 on the file of the first respondent. The complaint in Crime No.4 of 2016 was registered by the first respondent police at the instance of the second respondent Manavalamamuni.

2. Though private notice was taken to the second respondent and his name was also printed in the cause list, there is no appearance for the second respondent.

3. The second respondent Manavalamamuni has lodged a complaint before the first respondent police on 22.01.2016, that the Patta stands in their family members in respect of the property in Survey No.30/8 (Patta No.677) situated at Ramanathapuram District, Kamuthi Taluk, Chinnauddapankulam Village has been transferred to one Muthukathiresan Nadar, S/o. Nataraj Nadar, without any document supporting registration. They have also verified with the Revenue Divisional Officer and it was informed that by mistake, the name was transferred in the Patta. The Revenue Divisional Officer has also



conducted an enquiry. Pending enquiry before the Revenue Divisional Officer, the petitioner herein, wife of Muthukathiresan Nadar said to have sold the land, based on the Patta which has been fraudulently obtained. Based on the complaint, the first respondent police has registered a case against the petitioner for the offence punishable under Section 468 of I.P.C.,

4. The learned counsel for the petitioner would submit that the land was purchased by her husband one Muthukathiresan Nadar and was sold to one Guru Rajan and Muthukathiresan Nadar is no more, even at the time of lodging this complaint and this petitioner, wife of Muthukathiresan Nadar is nothing to do with the alleged transaction which has been taken place between Muthukathiresan Nadar and Guru Rajan and she has also not aware how Muthukathiresan Nadar has obtained right over the property also. He would further submit that the petitioner is innocent and however, since her husband transferred the property, she has been unnecessarily roped as accused.

5. Admittedly, the land has been transferred in the strength of a Patta and a case has also been registered which is now at the stage of investigation. As per the version of the petitioner, the petitioner cannot be a party. If the petitioner is not a party to the sale deed of Guru Rajan, then the petitioner cannot be termed as an accused. However, this case is at the stage of preliminary investigation and it is open to the investigation agency to investigate the matter in a fair manner, taking note of the grounds which has been raised before this Court in this petition also and to conclude the investigation within a stipulated period.

6. With the above observation, this Criminal Original Petition is closed. Consequently, the connected Miscellaneous Petition is closed.

7. The learned counsel for the petitioner has also sought for the indulgence of this Court for a direction to the respondent police not to harass the petitioner. The petitioner is expected to cooperate with the investigation. However, the respondent police shall not harass the petitioner under the guise of enquiry.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)



1. The Inspector of Police,
Mandala Manickam Police Station,
Ramnad District,

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

1 CC to M/s.R.BABU JAGANATH, Advocate (SR-54794[F] dated
18/03/2019)

Cr1.O.P. (MD) .No.3712 of 2016

18.03.2019

DS/ /SAR- (05.04.2019) 3P 4C