

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.07.2020
PRONOUNCED ON : 24.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.28277 of 2015

R.Raman Laal

... Petitioner

Vs.

The Superintendent of Police,
Thiruvannamalai-Post,
Thiruvannamalai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to take into consideration the facts mentioned above and order registration of the case on the basis of the complaint dated 12.09.2014 and the complaint of the petitioner dated 13.04.2015 and consequent upon the order passed in Crl.O.P.No.29727 of 2014 dated 03.12.2014 and filing of the final report in this case in the interest of justice.

For Petitioner : Mr.V.K.Sathiyamoorthy
For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The relief sought for in this petition is that the respondent to register a case on the basis of the complaint of one Vanitha Jayapal dated 12.09.2014 and the complaint of the petitioner dated 13.04.2014 and to comply with the order of this Court passed in Crl.O.P.No.29727 of 2014 dated 03.12.2014.

2.The case is that petitioner in Crl.O.P.No.29727 of 2014, Vanitha Jayapal filed a Criminal Original Petition before this Court seeking direction to register a case on the complaint dated 12.09.2014. During the proceedings of the petition, the petitioner and one Mr.R.G.Srinivasan, Advocates were projected as proposed accused. The petitioner made his submissions in that case and filed an affidavit to that effect that Hohm Sahaj Trust is formed at the instance of Yogi Ram Surat Kumar, the god child of Tiruvannamalai and is guided by eminent jurists and people of eminence from various field. The said Vanitha Jayapal claimed that she had not signed the sale agreement, vakalath and participated in the proceedings and the same are forged with regard

to the property situated at Manakulavinayagar Koil Street in T.S.No.1854 now subdivided as T.S.No.1574/3, 1954/4 Ward No.4, Block No.33, Tiruvannamalai Town to an extent of 2580 sq.ft. It was further stated in the affidavit since Vanitha Jayapal claimed that her signature was forged in the sale agreement dated 08.07.2000, the trust will cooperate with the investigation to find out the real culprits and the trust agreed to relinquish their right over the said property. Further, deposed that there is deliberate omission by the said Vanitha Jayapal about the role of Bret Carlson who was in the administration of the trust till the year 2002 and also the persons who assisted Bret Carlson against whom the said forgery and other alleged offence were attributed by this petitioner.

3.The learned counsel for the petitioner submitted that this Court in Crl.O.P.No.29727 of 2014 had given a direction to register a case on the complaint of the said Vanitha Jayapal dated 12.09.2014 against unknown persons for forging documents and presenting the same before the Subordinate Court, Tiruvannamalai in O.S.No.279 of 2000 and the petitioner to execute a relinquishment deed, as undertaken in the affidavit, further to bear the entire expenses including the stamp duty and registration charges for executing and registering the said relinquishment deed. The petitioner was directed to hand over vacant possession of the property forthwith to Vanitha Jayapal which the petitioner has complied with.

4.The petitioner in obedience to the order, handed over the possession of the property to Vanitha Jayapal. The averments in the complaint dated 13.04.2015 is that the petitioner now understands that the property does not belong to Vanitha Jayapal and she is a benami for Bret Carlson. He further submitted that the directions given in Crl.O.P.No.29727 of 2014 dated 03.12.2014 has not been complied with.

5.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was shown as proposed accused on the complaint of the said Vanitha Jayapal dated 12.09.2014. The petitioner appeared in Crl.O.P.No.29727 of 2014. This Court after detailed hearing had passed an elaborate order which is self explanatory. This Court has found certain irregularities in execution of sale agreement and the manner in which the sale agreement was enforced through civil Court which was found forged. The petitioner was directed to relinquish and handed over the property to the said Vanitha Jayapal which the petitioner had complied with. The petitioner was given protection at that stage. The petitioner's complaint dated 13.04.2015 seeking for immediate action as per direction of Crl.O.P.No.29727 of 2014, the petitioner has no such right. If at all there is

any grievance, it is for the Vanitha Jayapal, complainant and not the petitioner. The complaint dated 13.04.2015 is without locus, hence prayed for dismissal.

6.Considering the rival submissions and on perusal of the materials, it is seen that in CrI.O.P.No.29727 of 2014, one Vanitha Jayapal/complainant, who filed a petition seeking direction to register FIR, based on her complaint dated 12.09.2014. The said Vanitha Jayapal aggrieved and suspected the role played by the petitioner, in execution of sale agreement and the connected civil proceedings, wherein her signature had been forged. During the proceedings, the petitioner and one Mr.R.G.Srinivasan, Advocates appeared, who were proposed accused, made their submissions, filed affidavits which is extracted in the order. From the order, it is seen that the petitioner has got no locus seeking action as per direction in CrI.O.P.No.29727 of 2014.

7.In view of the submissions made by the learned Additional Public Prosecutor and on perusal of the order dated 03.12.2014 in CrI.O.P.No.29727 of 2014, it is seen the petitioner has not locus. Hence, nothing survives for adjudicating the petition and the same is, accordingly, dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

The Superintendent of Police,
Thiruvannamalai-Post,
Thiruvannamalai.

2.The Subordinate Judge,
Thiruvannamalai District.

3. The Public Prosecutor, High Court, Madras - 104.

CrI.O.P.No.28277 of 2015

A.SK(24/09/2020)