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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.OP(MD)Nos.15359 and 15499 of 2017
and
Crl.MP(MD)Nos.10215, 10216, 10314 and 10315 of 2017

1.Crl.OP(MD)No.15359 of 2017:-

1.Gnanasekaran
2.Jancy Bai
3.Sahayadoss
4.Doulath Begam
5.Joseph
6.Jancy
7.Rajaram
8.Robert William
9.Selvamuthu
10.Krishnaveni
11.Babu
12.Seit Moulana : Petitioners/A6 to A12, A14 to A18

Vs.

1.The State of rep. by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.12 of 2016) : 1st Respondent/Complainant

2.Sudhakar : 2nd Respondent/De-facto Complainant

2.Crl.OP(MD)No.15499 of 2017:-

1.V.R.Rajendran
2.R.Rajendran
3.P.L.Ramanathan
4.Anitha
5.R.Veerappan : Petitioners/A1 to A5

Vs.

1.The State of rep. by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.13 of 2016) : R1/Complainant

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2.Sudhakar : R2/De-facto Complainant

Common Prayer: Criminal Original Petitions filed under section 482 of the Criminal Procedure Code, to call for the charge sheet as made in CC No.497 of 2017 on the file of the Judicial Magistrate No.II, Dindigul and quash the same as illegal.

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For Petitioners (in both cases)	: Mr.M.Jegadeesh Pandian
For 1st Respondent (in both cases)	: Mr.V.Neelakandan Additional Public Prosecutor
For 2nd Respondent (in both cases)	: Mr.V.Janakiramulu

COMMON O R D E R

(Thro' VC)

These Criminal Original Petitions have been filed to quash the charge sheet in CC No.497 of 2017 on the file of the Judicial Magistrate No.II, Dindigul.

2.According to the de-facto complainant, there was a partition between him and his brothers on 24.04.2008, by which he was allotted with C schedule of property in T.S.No.644/1 to the extent of 104000 sq.ft. situated at Chettinayakanpatti Village Dindigul Town and he in-turn gave a power of attorney to one V.R.Rajendran/A1 and the same was registered before the Sub Registrar Office, Dindigul on 02.03.2009. Subsequently, on 17.05.2010, A1 sold the property to A3/Ramanathan, his daughter Anitha/A4 and his son Veerappan/A5 for lessor amount and in furtherance of the same, they conspired and created a forged cash receipt, as if the de-facto complainant received the sale consideration and subsequently, they effected their names in the revenue records and sold the property to A6 to A12 by dividing plots. On knowing the above facts, the de-facto complainant approached A1 and demanded money, for which he refused to give the money and also threatened with dire consequences. It is the further case of the de-facto complainant that the de-facto complainant also received similar threat from the hands of the other accused persons.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The learned counsel appearing for the petitioners argued that the petitioners are the subsequent purchasers of A1 and there was no direct knowledge about the dispute between the other accused and the de-facto complainant's family and they have not threatened the de-facto complainant and the de-facto complainant has not specifically stated in his petition what exactly spoken by the petitioners and further the words mentioned in the complaint would not attract the offences as alleged and furthermore, the de-facto complainant did not specify how the petitioners threatened the de-

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facto complainant, but without the same, the 1st respondent registered the case against the petitioners and the offences alleged were not attracted as against the petitioners and prays that these criminal original petitions may be allowed.

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5.On the other hand, the learned counsel appearing for the 2nd respondent/de-facto complainant argued that the 2nd respondent and his sons are the owners of the alleged property and they executed a power deed in favour of A1 and A1 with a view to defraud him, fabricated two fake and fictitious receipts for Rs.50,00,000/- on 05.05.2009 and on 17.05.2010 for Rs.10,00,000/- alleging that the said amounts said have been paid in cash to the 2nd respondent and his son under acknowledgement from them as full sale consideration for the said property and in reality, A1 had neither paid after the said sums under two alleged receipts, nor the said amounts had been received or acknowledged by the 2nd respondent and his sons by signing the said receipts. But A1 by creating the above fake receipts, sold the property of the 2nd respondent and his son in favour of his family members by impersonating the 2nd respondent and his son and forging their signatures in the fake receipts and A1 to A5 with a criminal conspiracy, defrauded the 2nd respondent and his son and his family members and A1 to A20 not only involved in fabricating the fake receipts, impersonation and forgery in creating encumbrance, but conspired together for posing life threat to save their fingers and the truth will come to light only after a fair trial is conducted by way of letting evidence, both oral and documentary and prima facie case was made out and prays that the criminal original petitions are to be dismissed.

6.In this case, the main contention raised on the side of the respondents is that A1 fabricated two fake and fictitious receipts for Rs.50 Lakhs on 15.05.2009 and on 17.05.2010 for 10 Lakhs alleging that the said amounts have been paid to the 2nd respondent and his son under acknowledge from them as full sale consideration for the property of the 2nd respondent and his son, but in reality, A1 had neither paid the above sums under two alleged receipts, nor the said amounts had been received or acknowledged by the 2nd respondent and his son by signing the receipts and A1 by creating fake receipts, sold the property to his family members as well as to the 3rd parties.

7.In this case, FIR has been registered on the direction of the competent court of law, after satisfying prima facie case of involvement of the accused. Whether the accused committed the offence or not will be decided only after examining the witnesses and on production of the documents. At this stage, it is to be decided whether any prima facie case was made out or not. On perusal of the records, it reveals that prima facie case was made out. Hence, the reasons stated by the petitioners are not acceptable.

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8.In that view, this court finds no merit in these criminal original petitions and accordingly, they are **dismissed.** Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

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To,

1.The Judicial Magistrate No.II,
Dindigul.

2.The Inspector of Police,
District Crime Branch,
Dindigul District.

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

+2 CC to M/s V.Janakiramulu,Advocate,in SR.No.27210 & 27211.

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23.12.2020

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