



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.19524 of 2016

and

CrI.M.P.No.9148 of 2016

- 1.M.Shanmugasundaram
- 2.Kamatchi Amman Kalyana Mandapam
Committee Dharma Paripalana Trust
- 3.The President & Managing Trustee,
Sri Kamatchi Amman Kalyana Mandapam
Committee Dharma Paripalana Trust
- 4.The Vice-President,
Sri Kamatchi Amman Kalyana Mandapam
Committee Dharma Paripalana Trust
- 5.The Secretary,
Sri Kamatchi Amman Kalyana Mandapam
Committee Dharma Paripalana Trust
- 6.The Joint Secretary,
Sri Kamatchi Amman Kalyana Mandapam
Committee Dharma Paripalana Trust
- 7.The Treasurer,
Sri Kamatchi Amman Kalyana Mandapam
Committee Dharma Paripalana Trust

.. Petitioners/Accused 1 to 7

Vs.

- 1.The State of Tamil Nadu
Represented by its Sub-Inspector,
District Crime Branch,
Land Grabbing Prevention Special Wing,
Tiruppur. .. 1st Respondent/Complainant
- 2.K.Selvaraj @ Selva Sivaraj
.. 2nd Respondent/Defacto Complainant



3.The State of Tamil Nadu
Rep. by its Inspector of Police,
Central Crime Branch,
Tiruppur.

.. 3rd Respondent

(3rd respondent is impleaded as per the
order of this Court, dated 17.10.2016
made in CrI.M.P.No.10663 of 2016 in
CrI.O.P.No.19524 of 2016)

Prayer: Criminal Original Petition filed under Section 482
Cr.P.C., to call for the records in F.I.R in Crime No.62 of 2014
on the file of the 1st respondent and quash the same.

For Petitioners .. Mr.N.S.Sivakumar

For Respondents .. Mr.E.Raj Thilak
Government Advocate (Criminal Side)

ORDER

The present petition has been filed under Section 482 of Code of Criminal Procedure seeking to quash investigation in F.I.R in Crime No.62 of 2014, registered by the first respondent/Sub-Inspector, District Crime Branch, Land Grabbing Prevention Special Wing, Tiruppur, under Sections 120 B, 409, 417, 420, 423, 467, 471, 506(i) of I.P.C., Section 82(d) of the Tamil Nadu Registration Act, 1908.

2. The first petitioner is the Power of Attorney agent with respect to land, measuring 1624 1/2 Sq.feet. On the basis of the said Power of Attorney agent, a registered sale deed has been executed by the first petitioner in favour of the second petitioner. But, however, the area of the land was not just 1624 1/2 Sq.feet, but also another 232 1/2 Sq.feet, which the defacto complainant had specifically left out at the time of Power of Attorney document stating that the same should be left for a pathway.

3. Alleging that, by this act, of including even the pathway in the sale deed executed by the first petitioner in favour of the second petitioner/trust, said complaint had been lodged by the defacto complainant on 03.10.2014, which F.I.R in Crime No.62 of 2014 had been registered by the first respondent for the offences afore mentioned.

4. It is now stated by Mr.N.S.Sivakumar, learned Counsel for the petitioner that subsequently, a rectification deed had also been executed and said 232 1/2 Sq.feet of land had been left out from the sale deed. It is under these circumstances,



in view of that particular rectification deed, the present petition has been filed seeking to quash investigation in F.I.R in Crime No.62 of 2014.

5. I am afraid that the execution of the Power of Attorney document, execution of sale deed and execution of rectification deed, if any, should only be examined now by the investigating officer, who should come to a subjective satisfaction and thereafter, take a considered decision whether to proceed on the basis of the complaint given and also take a decision on the nature of final report to be lodged before the jurisdictional Court. This would depend on the statement of witnesses, which he records and also on the basis of the documents, which are collected.

6. Investigation will, naturally, have to proceed in the manner known to law and I am confident that investigation would be done with due consideration of all the facts and circumstances.

7. Let a direction be issued to all the parties before this Court to co-operate during the investigation and let the investigating officer issue notices, as contemplated, to whom so ever he feels necessary to unravel the facts and determine whether a cognizable offence has been made out or not.

8. With the said observations, I am not inclined to quash further investigation in Crime No.62 of 2014, pending on the file of first respondent, but, however, a direction is given to the first respondent to proceed with the investigation in the manner known to law, by inviting parties to give their statements and to produce necessary documents and thereafter, to take a considered decision on the nature of course of action taken.

9. There is also an allegation that the sale consideration had not been paid by the Power of Attorney agent to the Principal. That fact may also be examined by the investigating officer, during the course of his investigation.

10. With the above said observation, the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

grs/kbs



To

1. The Sub-Inspector,
District Crime Branch,
Land Grabbing Prevention Special Wing,
Tiruppur.

2. The Inspector of Police,
Central Crime Branch,
Tiruppur.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No. 47109

Crl.O.P.No.19524 of 2016
and Crl.M.P.No.9148 of 2016

SPD(CO)
GN(11/10/2021)