



IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON
14.07.2021

ORDERS PRONOUNCED ON
11.08.2021

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.280 of 2015

P.R.S.Andal

.. Petitioner/De facto
Complainant

Vs.

State by Inspector of Police,
District Crime Branch,
Kancheepuram.

...Respondent

PRAYER : Petition filed under Sections 397 and 401 of the Criminal Procedure Code, praying to call for the records in Cr1.M.P.No.445 of 2011 in Cr.No.35 of 2009 on the file of the learned Judicial Magistrate No.II, Chengalpet, dated 12.01.2015 and revise and set aside the same.

For Petitioner : Mr.E.C.Manoharan

For Respondent : Mr.R.Vinoth Raja
Government Advocate

ORDER

The matter is heard through "Video Conference".

The de facto complainant is the revision petitioner herein and she has preferred this criminal revision case praying to call for the records in Cr1.M.P.No.445 of 2011 in Crime No.35 of 2009 on the file of the learned Judicial Magistrate No.II, Chengalpet, dated 12.01.2015, revise and set aside the same.

2. The respondent police has filed referred charge sheet stating that the matter is civil in nature and the revision petitioner herein has filed a protest petition in Cr1.M.P.No.445 of 2011 and the same was dismissed and hence, the revision.



3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

4. The brief facts for determination of the case are as follows:-

[i] The revision petitioner namely, P.R.S.Andal was married to one Seenivasa Iyengar. The other protest petitioner namely, S.Balaji is her son. The revision petitioner's father-in-law Rangasamy Iyengar died in the year 1960 and her husband Seenivasa Iyengar died on 08.04.2000. The revision petitioner's father-in-law Rangasamy Iyengar, whose father Aravamutha Iyengar and his father Potheri Seenivasa Iyengar along with Seenivachariyar at Valarpuram had purchased various properties under the Sale Deed dated 21.12.1927 and thereafter, through a Power of Attorney, they had purchased properties in Survey No.216 to an extent of 8.17 acres and in Survey No.217, to an extent of 4.35 acres and these properties are covered under the Sale Deed dated 21.12.1927 and 20.04.1928 and the registered Document is 722/1928. Subsequently, there was a general power of attorney vide Document No.2383 of 1941 by way of authentication.

[ii] Now, the de facto complainant/revision petitioner challenges the said authentication as to the certain violation of Section 58 of the Registration Act. While the things be so, after investigation, the police has found that the said Seenivasan, who had 50% of the property, had executed a Will dated 30.03.1933 to the adopted son Gopalasamy Iyengar, who is happened to be his brother's son. The said Will is Document No.23 of 1933.

[iii] It appears that when the Tamil Nadu Government has initiated land acquisition proceedings in the year 1979, issued 4(1) Notification on 07.07.1979 in respect of Maraimalai Nagar Thittam, Kattankulathur and notice was served only upon the beneficiary under the Will viz., Krishnasamy Iyengar. The said Krishnasamy Iyengar also filed a writ petition in W.P.No.2917 of 1987 the same was dismissed by this Court on 11.01.1991. Further notification also has been challenged subsequently. Thereafter, the legal heirs of the said beneficiary have sold the property to M/s.Lancor Holdings Limited. Now, the revision petitioner claims that her husband's grand father, who has 50% of the property, has challenged the Will and gave a complaint before the District Crime Branch, Kancheepuram.

[iv] When the things be so, it appears that the son of the de facto complainant namely, Balaji has entered into a compromise with the said M/s.Lancor Holdings Limited, after receipt of Rs.1,00,000/- and issued a receipt and in the said receipt he has mentioned that he has already received a sum of



Rs.20,00,000/- . The said amount has been received through a cheque bearing No.300894 and the cheque has also been honoured in Sriperumbudur Karur Vysya Bank and accordingly, declaration was given to the Deputy Commissioner of Police and the matter was compromised again. It appears that the complainant along with her son appears to have entered into an agreement of sale with one Thiru. Vasantha Kumar Buttat on 30.12.2010 for selling one portion of the property. At this juncture, a case has been registered against the revision petitioner/de facto complainant and her son in Crime No.19 of 2011 for the alleged offences under Sections 465, 468, 471 and 420 IPC. At this juncture, the revision petitioner has given another complaint.

5. After taking note of the entire episode and devolution of title and validity of the Sale Deed executed in the year 1933, the learned Judicial Magistrate No.II, Chengalpattu, has considered the referred charge sheet filed by the Investigating Officer that the matter is of civil in nature and accordingly, dismissed the protest petition and accepted the referred charge sheet.

6. After going through the elaborate order passed by the learned Judicial Magistrate No.II, Chengalpattu, while dealing with the Will, land acquisition proceedings were initiated by the Government wherein 4(1) Notification and 6 Declaration under the Tamil Nadu Land Acquisition Act has been challenged before this Court in W.P.No.2917 of 1987 and the same was dismissed. As against the dismissal order, W.A.No.1570 of 1998 was filed and patta also stands in the name of the beneficiary under the Will and also held that these protest petitioners namely, P.R.S.Andal and her son Balaji had received a sum of Rs.20,00,000/- and Rs.1,00,000/- as could be seen from the Declaration and thereafter, they have withdrawn the complaint. Subsequently, they have also dealt with the property as if they are the legal heirs of the said deceased person which has resulted in the complaint against them by the said M/s.Lancor Holdings Limited and hence, I find that a detailed order has been passed by the learned Judicial Magistrate No.II, Chengalpattu covering all the aspects and come to the conclusion that the revision petitioner has no right or whatsoever and also dealt with the document right from the mother Document No.722 of 1928 of the subsequent land acquisition proceedings, revenue proceedings and further declaration of withdrawing the complainant in lieu thereof, as a full quit, by receiving Rs.20,00,000/- and Rs.1,00,000/- from the accused party. Hence, I find that the learned Judicial Magistrate No.II, Chengalpattu, has held the entire points raised by the protest petitioner and rejected the case.



7. Taking into consideration the scope of the revision, unless there is a perversity in the order, the same cannot be interfered with in the criminal revisional jurisdiction and as such, I find that the learned Judicial Magistrate No.II, Chengalpattu, has gone through the entire typed set of papers and taken note of the entire transaction till the latest complaint and analyzed the document and found that the matter is of civil dispute and rendered a finding that the protest petitioner has no locus standi to challenge the patta proceedings or chitta proceedings or title of the opposite party and hence, the referred charge sheet filed by the Investigating Officer that the dispute is civil in nature is well founded.

8. In this view of the matter, this Criminal Revision Case is dismissed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

Jr1

To

1. The Judicial Magistrate No.II,
Chengalpet.
2. The Inspector of Police,
District Crime Branch,
Kancheepuram.

Copy to

The Section Officer,
Criminal Side Record,
High Court, Madras.

+1cc to Mr.R.C.Manoharan, Advocate, Sr.39813

Cr1.R.C.No.280 of 2015

NR[co]
NSK 27/08/2021