



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9005 of 2021
and
Crl.MP.No.5852 of 2021

Chinni @ T.K.Venkatachalam

...Petitioner/Accused -1

.vs.

1. The State rep.by
Inspector of Police,
Team 23 ALGSC-II,
Land Grabbing (II),
Vepery, Chennai-7.
(Crime No.34 of 2021)

...1st Respondent/Complainant

2. K.G.Rajeshkumar

..2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the FIR in Crime No.34 of 2021 dt.09.04.2021, pending on the file of the 1st respondent Police.

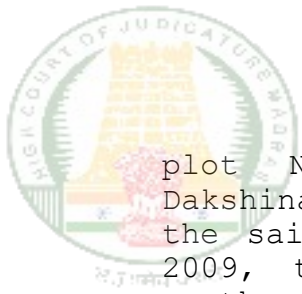
For Petitioner : Mr.D.Babu Varadharajan

For Respondents: Mr.A.Damodaran
Government Advocate (Crl.side)
for R 1
Mr.V.Kumaresan
for R 2

ORDER

The petitioner/A1 in Crime No.34/2021, for the offences under Sections 447, 465, 467, 468, 471 and 120(b) IPC, has filed this quash petition.

2.The contention of the petitioner is that the petitioner has purchased Plot No.16 and the de facto complainant is the adjacent land owner of Plot No.17. According to the de facto complainant, the petitioner occupied his property and sold the



plot No.16 dividing in two parts to B.Prabakaran and Dakshinamurthy. Hence, the present complaint. With regard to the said dispute, the petitioner filed a suit in O.S.No.87 of 2009, the 2nd respondent/de facto complainant had instituted another suit in O.S.No.127 of 2009, before the District Munsif Court, Ambattur, against the petitioner for permanent injunction in respect of Plot No.17. Further, the land in question was acquired for putting road and the compensation was remitted. The trial Court, had clearly held in O.S No.127 of 2009, that the land belongs to the petitioner and the de facto complainant is not eligible for any compensation.

3.The de facto complainant submits that he produced a layout in the typed set of papers (page No.29) to show that the petitioner forged the documents of the de facto complainant's property.

4.The learned Government Advocate (Crl. Side) appearing for the 1st respondent had filed his counter and the relevant portions are extracted hereunder :

"6.It is submitted that during the course of investigation, the accused persons viz., Tmt.Meera Devi who is the wife of the A-1/petitioner, B.Prabakaran, C.Samuel, G.Jayarani, M.Dakshinamoorthy and S.Suresh were filed anticipatory bail petition before this Hon'ble High Court, Madras vide Crl.OP.No.8668 of 2021 and the same was granted on 12.05.2021 with certain conditions, so far, the accused persons not yet complied. Hence, I request to cancel the anticipatory bail of the above said accused persons.

7.It is submitted that I have sent a requisition letter to the Tahsildar, Avadi who surveyed the above said through Head Surveyor and furnished the report that "the property in dispute belongs to the defact complainant only and the patta was wrongly issued to the A-1/petitioner."

8.It is submitted that an enquiry it reveals that, the witness Tr.Jesudass stated in his statement that he never used any individual seal at any documents and the petitioner/A-1 fabricated his seal and signature to register the sale deed document No.5020/2020.

9.....

11.It is submitted that the Respondent police registered the case, investigated and conducted the investigation in a free, fair and impartial manner. Now, this case is pending to interrogate the accused



WEB COPY

persons as well as the Government officials who colluded with A-1/petitioner, issued patta in the year 2012 and to receive Revenue Records from the concerned officers. Hence, for the above said bonafide reasons, at this stage, there is no necessity to quash/stay the case in Cr.No.34 of 2021 as prayed by the Petitioner/Accused [A-1].

He further submitted that the investigation is almost completed and within a short period, a final report will be filed before the concerned Court.

5. When this Court is about to dismiss the petition, at this stage, the learned counsel for the petitioner seeks permission of this court to withdraw this petition. This Criminal Original Petition is dismissed as withdrawn. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

kp

To

1. Inspector of Police,
Team 23 ALGSC-II,
Land Grabbing (II),
Vepery,
Chennai-7.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.9005 of 2021

SSD(CO)
RGA(26/10/2021)