



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE **R.THARANI**

Crl.O.P.(MD)Nos.4265 and 4266 of 2021

and

Crl.M.P.(MD)Nos.2391 and 2392 of 2021

WEB COPY

1.Asaimathi ... Petitioner in Crl.O.P.(MD)No.4265
of 2021
2.Sivamani ... Petitioner in Crl.O.P.(MD)No.4266
of 2021

Vs.

1.The State Rep. by
The Inspector of Police,
District Crime Branch,
Sivagangai District.

2.Sivadevi ... Respondents in both petitions

Common Prayer : Criminal Original Petitions filed under Section 482 of Cr.P.C to call for the records pertaining to the First Information Report in Crime No.4 of 2021, dated 06.02.2021 on the file of the first respondent for offences Under Sections 406,468,420,120(B) of IPC and quash the same as illegal as against the petitioners.

For Petitioner : Mr.G.Thiruvarutselvan
(in both petitions)
For R1 : Mr.S.Chandrasekar
(in both petitions) Additional Public Prosecutor

COMMON ORDER

These petitions are filed seeking to quash the First Information Report in Crime No.4 of 2021 of District Crime Branch, Sivagangai District.

2.On the side of the petitioners, it is stated that the father of the petitioners died leaving three legal heirs (ie.wife, daughter and son). The de-facto complainant is the daughter. Son died in the year 2017. The daughter-in-law is A-1. A-1 executed a sale deed in favour of A-2. The complainant, claiming herself as the coparcener, is claiming the property. Instead of filing a civil suit, she lodged a criminal complaint and First Information Report was registered and prayed the First Information Report to be quashed.

3.On the side of the first respondent, it is stated that a case is pending between the siblings. Father of the de-facto complainant



died leaving three legal heirs. The allegation against the petitioners is that they have created some forged documents without mentioning the de-facto complainant as one of the legal heir, A-1 created the legal heir certificate fraudulently and has executed a sale deed in favour of A-2. A case was filed on 06.02.2021 and the investigation is still pending. Only after enquiring the registration department, the investigation can be completed and prayed the petition to be dismissed.

4.On verification of the records, it is seen that there is allegation of forgery and another allegation of getting a legal heirs certificate without mentioning the name of the de-facto complainant. A sale deed was executed by A-1 infavour of A-2. A complaint was lodged only on 06.02.2021. The allegations are serious in nature and require an enquiry.

5.In the above circumstances, these Criminal Original Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
District Crime Branch,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)Nos.4265 and 4266 of 2021

19.03.2021

VR (CO)

KB (24.04.2021) 2P 3C