



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.17280 of 2021
and
Crl.M.P. (MD)No.9396 of 2021

1.N.Pandiammal
2.P.Saraswathi
3.N.Gnanasekaran

... Petitioners/
Accused Nos.1 to 3

Vs.

1.The State represented by
The Inspector of Police,
Anti Land Grabbing Special Cell,
District Crime Branch,
Ramanathapuram.
(Crime No.32 of 2021)

... 1st Respondent/
Complainant

2.G.Sasikala

...2nd Respondent/
Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records pertains to impugned FIR in Crime No.32 of 2021 on the file of the first respondent Police Station and quash the same.

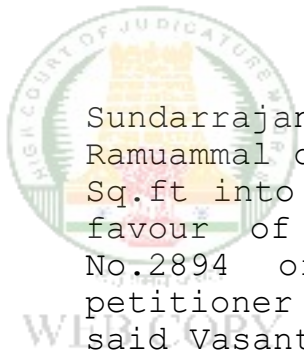
For Petitioner : Mr.R.Manoharan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R.1

Mr.G.Prabhu Rajadurai for R.2

ORDER

The case of the defacto complainant is that the property bearing Door No.531C Pettaittheru, Paramakudi Town, measuring about 1221 Sq.ft belonged to her by virtue of sale deed, dated 22.06.2005 (Document No.1330 of 02). It originally belonged to one Natarajan. After his demise, children born through the first wife and the children born through the second wife jointly executed a power of attorney dated 29.08.1978 in favour of one Ramuammal, wife of



Sundarrajan Servai (Document No.18 of 1978). Based on the same, Ramuammal divided the property which measured a total extent of 1530 Sq.ft into two parcels. The parcel measuring 1221 Sq.ft was sold in favour of Vasanthi vide sale deed, dated 04.12.1986 (Document No.2894 of 1986). In the said sale deed, Pandiyammal/first petitioner herein had affixed her signature as a witness. From the said Vasanthi, the defacto complainant had purchased the property on 22.06.2005. She had also dealt with the property by mortgaging the same. The property is being assessed to tax in the name of the defacto complainant. Ramuammal who had taken power of attorney and was retaining 309 Sq.ft of land, had passed away without alienating the same. While so, the second wife of Natarajan, namely, Pandiammal/first petitioner herein and her daughter Saraswathi had sold 450 Sq.ft land in favour of one Maheswari (shown as A.5 in this FIR). What was eventually purchased by defacto complainant was mortgaged in favour of Gnanasekaran (Shown as accused No.4) vide document, dated 12.07.2018.

2. The petitioners 2 and 3 are the executants of the documents, dated 08.02.2018 and 12.07.2018 respectively. It is not the case of the defacto complainant that the petitioners 2 and 3 have forged her signature. They have not committed any act of impersonation. The petitioners 2 and 3 are not parties to any of the transactions prior to 22.06.2005.

3. In these circumstances, even if the entire case of the defacto complainant is taken as true, no offence is made out against the petitioners 2 and 3. Therefore, when the first respondent files a final report, he shall leave out the names of the petitioners 2 and 3 herein. This Criminal Original Petition is dismissed as 'not pressed' as far as the first petitioner is concerned. This Criminal Original Petition is disposed of on these terms. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

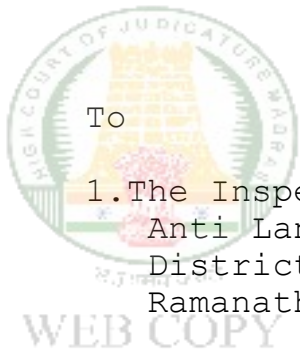
// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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,
Anti Land Grabbing Special Cell,
District Crime Branch,
Ramanathapuram.

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

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-39830[F]
dated 21/12/2021)

+1 CC to M/s.R.MANOCHARAN, Advocate (SR-39831[F] dated
21/12/2021)

Crl.O.P.(MD)No.17280 of 2021
and
Crl.M.P.(MD)No.9396 of 2021
20.12.2021

RK(07/01/2021) 3P 5C