



Crl.O.P.Nos.6696, 6698 & 6699 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 24.03.2022

Pronounced on : 29.03.2022

Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition Nos.6696, 6698 & 6699 of 2022

Crl.O.P.No.6696 of 2022

Anand,
S/o.Devaraj,
No.19, Sivansouth Street,
Porayur, Tharangambody,
Poraiyur, Karaikal.

... Petitioner/Accused

/versus/

State Rep.by,
The Station House Officer,
Thirunallar Police Station,
Karaikal.
(Crime No.15/2022)

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.15 of 2022 pending
investigation before the respondent police.



Crl.O.P.Nos.6696, 6698 & 6699 of 2022

For Petitioner : Mr.R.S.Paul Kanakaraj,
for Ms.P.J.Anitha.

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

Crl.O.P.No.6698 of 2022

Adhithya Sundarapandiyan @ Adhithya
S/o.Devaraj,
No.19, Sivansouth Street,
Porayur, Tharangambody,
Poraiyur, Karaikal.

... Petitioner/Accused

/versus/

State Rep.by,
The Station House Officer,
Thirunallar Police Station,
Karaikal.
(Crime No.15/2022)

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investigation before the respondent police.

For Petitioner : Mr.R.S.Paul Kanakaraj,
for Ms.P.J.Anitha.

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)



Crl.O.P.Nos.6696, 6698 & 6699 of 2022

Crl.O.P.No.6699 of 2022

Devaraj,
S/o.K.P.Govindraj,
No.19, Sivansouth Street,
Porayur, Tharangambody,
Poraiyur, Karaikal.

... Petitioner/Accused

/versus/

State Rep.by,
The Station House Officer,
Thirunallar Police Station,
Karaikal.
(Crime No.15/2022)

... Respondent/Complainant

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For Petitioner : Mr.R.S.Paul Kanakaraj,
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For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)



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COMMON ORDER

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These petitions are filed for bail by Anand (A1), Adhithya Sundarapandiyan (A2) and Devaraj (A3) in the case under investigation for offences under section 420, 467, 468, 471 read with section 34 of I.P.C. The third accused is the father of 1st and 2nd accused.

2. The case of the prosecution is that, these petitioners were arrested on 21/02/2022 based on the complaint given by one Gunasekaran on 19/02/2022, informing that, Coumar Quesssavane and Coumar Sarasvady are his uncle and aunty. They are French Citizens having extensive landed properties in Puducherry, Karaikal, Nedugadu and Serumavillangai. They died leaving behind 4 children, who are all presently residing at France. Therefore, the defacto complainant and his brother Venkatesa Perumal looking after their properties. While so, in order to grab the properties of Coumar Quesssavane and Coumar Sarasvady, Thiru.Devaraj(A-3), who is the brother of Coumar Quesssavane, in aid and connivance of his family members and others created forged Wills, as if Coumar Quesssavane had executed Will in favour of Anand, S/o Devaraj on 02/02/1996 and Coumar Sarasvady executed Will in favour of Anand, S/o Devaraj on



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25/07/1996. Based on these forged Wills, Anand (A-1) had executed a settlement deed in respect of the property at Serumavillangai and a part of his property at Villianur Commune, to his father Devaraj (A-3) and got it registered at Villianur Sub Registrar Office on 11/07/2018. Similarly he settled some property at Serumavillangai and Nedugadu in favour of his brother Adithya Sundarapandian (A-2) and got the settlement deed registered at Thirunallaur Sub-Registrar Office on 16/06/2020.

3. Based on these two settlement deeds, A-2 and A-3, viz, Adithya Sundarapandian and Devaraj respectively had divested the properties in the name of other persons. Therefore, criminal action against the persons involved in making false documents and to retrieve the properties of Coumar Quesssavane and Coumar Sarasvady was sought.

4. This complaint was registered on 19/02/2022 in Crime No.15 of 2022 under Sections 420, 467, 468 and 471 r/w 34 of I.P.C., and taken up for investigation. In the course of investigation, the evidence collected has unravelled that one Senthil Kumar @ Kattapomman, who was the brain behind the crime of



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land grabbing, created forged Wills in favour of A-1 (Anand), thereafter, based on the forged Wills, created the settlement deeds in favour of A-2(Adhithya Sundarapandian) and A-3 (Devaraj). Further, alienation was created between the known persons to make the transactions genuine. While A-3 executed sale deed in favour of one Anand Jothi, W/o Senthilkumar, A-2 gave power of attorney to Iyyappan (A-5). The said Iyyappan as power agent on behalf of his principal Adhitya Sundarapandian (A-2) sold it to one Amutha, W/o.Jayakumar on 08/01/2021. The said Amutha through her power agent Santhi sold the property in favour of Dhanakodi on 09/06/2021.

5. A-1 to A-3 who are petitioners herein and A-5 were arrested. Whereas, A-4 the man who was behind the back of crime is still absconding.

6. The Learned Counsel for the Petitioners submitted that, the defacto complainant and these petitioners are related to Coumar Quesssavane and Coumar Sarasvady family. The property which stood in the name of Coumar Quesssavane and Coumar Sarasvady were purchased with the assistance of the petitioner and the properties were purchased by these petitioners as power agent of Coumar



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Quesssavane and Coumar Sarasvady. The petitioners have also contributed their money for purchase of these properties. The original title documents of these properties are still with the petitioners. While so, the defacto complainant who is noway connected to the properties with the connivance of the local police has given a false complaint and based on the false complaint the petitioners are arrested and kept in prison. In their absence, they have influenced the Sub-Registrar, Thirunallar to cancel documents unilaterally. In fact, the defacto complainant is no way connected to the property and the legal heirs of the deceased Coumar Quesssavane and Coumar Sarasvady have only authorised these petitioners to deal with the properties and not the defacto complainant. Therefore, the arrest of these petitioners on the wrong impression that they have forged Wills and garbed the property of Coumar Quesssavane and Coumar Sarasvady is illegal and without any proper investigation.

7. Whereas, the Learned Public Prosecutor for the state/respondent submitted that, even during the lifetime of Coumar Sarasvady, there was dispute regarding these petitioners claim in her property through the Wills of one Thillaiammal and the matter went upto Hon'ble Supreme Court and decided



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against these petitioners. Only after being prima facie satisfied through records that the petitioners have forged Wills and first transferred the property in their name and thereafter, created further documents of transfer and encumbrance. The person, who has master minded this crime is A-4 and he is still not secured. The ramification of the crime under investigation is deep rooted and unless the petitioners are in custody and the absconding accused are secured, the entire scheme of crime cannot be unravelled.

8. Considering the facts and circumstances, this Court is of the view that since the investigation is at crucial stage, the release of the petitioner at this stage, is not conducive for fair trial. The petitioners may screen the evidence or destroy the evidence. Therefore, these Criminal Original Petitions are dismissed.

29.03.2022

Index :Yes/No.
Internet :Yes/No.
Speaking order/Non Speaking order
bsm



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To:-

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1. The Judicial Magistrate-II, Karaikal.
2. The Central Prison, Puducherry.
3. The Station House Officer, Thirunallar Police Station, Karaikal.
4. The Section Officer, V.R.Section, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

Pre-delivery common order made in
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29.03.2022