



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.6445 of 2020
and Crl.MP.No.3563 of 2020

- 1.Vasanthan
- 2.Srinivasan
- 3.Meyyazhagan
- 4.Ramesh
- 5.Anandhan
- 6.Badhusha

...Petitioners/Accused 1,2,4 to 7

Versus

1. State rep by
The Inspector of Police,
Anti-Land Grabbing Special Wing,
Salem District.1st Respondent/Complainant
2. Jagannathan2nd Respondent/Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings pending against the petitioners in C.C.No.15 of 2020 on the file of the learned Judicial Magistrate No.VI, Salem.

For Petitioners : Mr.A.M.Rahamath Ali

For Respondents:

For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings pending against the petitioners in C.C.No.15 of 2020 on the file of the learned Judicial Magistrate No.VI, Salem.

2. The case of the prosecution is that one Rangasamy Udayar was the original owner of the subject property, he had a son by name Dharmalinga Udayar who had two wives, namely one Dhanakotti Ammal and Thaiyamuthammal. The said Dhanakotti Ammal had a son Muthaiyan, the father of the de-facto complainant/2nd respondent and a daughter Kodiarasu. The 2nd wife Thaiyamuthammal had two daughters, the 1st accused and one Radha. She had no male issues.



3. While being so, the said Rangasamy Udayar had executed a Settlement Deed in the year 1957 in which 'A' Schedule property was settled in favor of his daughter-in-law Dhanakotti Ammal and 'B' Schedule property was given in favour of the other daughter-in-law namely Thaiyamuthammal/2nd wife. The 'C' Schedule property was allotted to be commonly enjoyed by both the wives of Dharmalinga Udayar and after their demise, the said property were to devolve on the male heirs both existing and that might be borne by the 2nd wife and in the event of her not bearing a male heir the properties to devolve on the grandson of the said Muthaiyan and his male heirs. So far as the settlement of 'D' Schedule property is concerned which is retained by him during his lifetime and after his demise it has been devolve on the male heirs as two daughters-in-law. Ultimately all the properties own by the Rangasamy Udayar are on the possession and enjoyment of the two daughters-in-law namely Dhanakotti Ammal and Thaiyamuthammal. While being so Dhanakotti Ammal namely the 8th accused. The mother of the 1st accused executed a Settlement Deed conveying 'B' Schedule property in favour of the de-facto complainant namely the 2nd respondent and his elder brother in the year 2008. The 1st daughter-in-law of the Rangasamy Udayar also executed a Settlement Deed of 'A' Schedule property in favour of his brother. In so far as the 'C' and 'D' Schedule properties are concerned as per the terms of the settlement made by their great grandfather in the year 1957 and the 2nd wife claimed title to the said properties under Section 14 of the Hindu Succession Act, 1956. The said 2nd wife executed five Settlement Deeds on 06.07.2011 registered vide Document Nos.1438, 1440, 1441 and 1459 of 2011 in favour of the 1st accused and later in respect of two properties she executed a Cancellation Deed registered vide Document No.1702 of 2011 since the property did not belong to her and cancelling the Settlement Deed registered vide Document No.1441 of 2011. Again she executed a Settlement Deed in respect of 'B' schedule property in favour of the 2nd respondent registered vide Document No.1439 of 2011.

4. On the strength of the Settlement Deeds the 1st accused have been executed Agreement for Sale dated 23.12.2011 with the 2nd petitioner herein who is arrayed as 2nd accused registered vide Document No.2803 of 2011. Hence, the 2nd respondent filed a complaint.

5. Even according to the case of the prosecution, the 8th accused executed a Settlement Deed in so far as the 'C' and 'D' Schedule property of the Settlement Deed in the year 1957 executed by Dharmalinga Udayar in favour of the 1st accused/daughter claiming right over the property under Section 14 of the Hindu Succession Act, 1956. Though the 1st petitioner has not signed the Settlement Deed, she had knowledge that the Settlement Deed in respect of the property originally allotted in favour of the male heirs by Dharmalinga



Udayar. As far as the other accused persons are concerned, they are not the party to the said documents and, in fact, the 8th accused who executed a Settlement Deed in favour of the 1st respondent now is no more. The petitioners 1 to 6 are arrayed as A1, A2 and A4 to A7. The other accused persons namely A3 and A8 are no more. Therefore, except the first petitioner, other petitioners are no-way connected to the deed entered into the 8th accused in favor of the first accused. No evidence is made out for the offences under Section 120-B, 420, 423, 465, 468, 471 IPC and A1, A3, A5 to A8 liable under Section 120-B, 3 of TNPP (PDL) Act, 1992 as regards to the petitioners 2 to 6 herein. In so far as the 1st petitioner is concerned, she is arrayed as 1st accused as she is the beneficiary of the Settlement Deed executed by the 8th accused in respect of the 'C' and 'D' Schedule of the Settlement Deed of the year 1957.

6. In view of the above, the petitioners 2 to 6 are concerned, no charge can be sustained and the entire proceedings are liable to be quashed. Accordingly entire proceedings is quashed as against the petitioners 2 to 6 alone and the quash petition is dismissed as regards to the first petitioner. The Trial Court is directed to complete the proceedings of the Trial within a period of 12 months from the date from the date of receipt of a copy of this Order.

7. Accordingly, this Criminal Original Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

cda/dhk

To

- 1.The Judicial Magistrate VI, Salem.
- 2.The Chief Judicial Magistrate, Salem.
- 3.The Inspector of Police,
Anti-Land Grabbing Special Wing, Salem District.
- 4.The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.H.Rajasekar, Advocate SR. No. 33903

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