



Crl.R.C(MD)No.1103 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2022

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.RC(MD)No.1103 of 2022
and Crl.MP(MD)Nos.14004 and 14003 of 2022

S.Abudl Paree

... Petitioner

Vs

The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District. Cr.No.221/2017.

... Respondent

Prayer: This Criminal Revision Case filed under Section 397(1) and 401 of Cr.P.C., praying to call for the records of the impugned order passed in Crl.M.P.No.770/2021 in C.C.No.488/2018, dated 25.02.2022, by the Judicial Magistrate, Bodinayakkanur, Theni District and set aside the same.

For Petitioner : Mr.R.Murugappan

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This Criminal Revision Case has been filed by the revision petitioner to set aside the impugned order passed in CrI.M.P.No.770/2021 in C.C.No.488/2018, dated 25.02.2022, by the Judicial Magistrate, Bodinayakkanur, Theni District.

2.The facts in brief is as follows:

(i) A complaint was lodged by the defacto complainant stating that his father viz., Thomas was owning a property in Town Survey No.1/37, *admeasuring* 18 cents. It was a government Porambokku land. He put up a house and shop in that land. In 1962, Patta was granted in favour of his father.

(ii) Challenging the above said assignment, one Karuppanna Servai and Kuppusamy filed a suit against his father. During the pendency of the suit, his father died on 24.06.1972. The suit was continued by him, his mother and his brothers and sisters. Later, on 22.3.2012 his mother was assigned with Patta. When the share was demanded by him, his sisters told that the property was settled only in their favour. Therefore, he filed a suit for partition before the Sub Court, Theni in O.S.No.148 of 2014, which is pending. During the pendency of the suit, his sisters viz., Lisi George, Ammani, Celin and Rani sold a portion of the property on 10.06.2016, to one Syed Abdul Kadhar, as if, it



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was partitioned between them. When he went through the documents, it was found that the Town Survey Field Map was found to be a forged one, as per the information obtained from Right to Information Act.

(iii) On 06.01.2017, the accused persons tried to trespass into the property and put up construction and his mother was also criminally intimidated. On the basis of above, a complaint was registered and after completing the investigation a final report also filed, alleging that all the accused persons joined together, conspired and created false records.

3. As far as this revision petitioner is concerned, the revision petitioner is the second accused before the trial court and it has been alleged that this revision petitioner is also joined with the first accused and created fake Government records and produced the same for registration of sale deed. Seeking discharge, a petition has been filed by the revision petitioner before the trial Court, which was dismissed by the trial Court stating that enough materials have been collected during the course of investigation and the statements of the witnesses have been recorded, who make allegations against this revision petitioner also and whether this petitioner is involved in the crime or not, will come out only during the course of trial. Challenging the same, this revision has been preferred by the revision petitioner.



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4.The learned counsel for the revision petitioner submitted that he is only a bonafide purchaser, without notice, as to the dispute between the vendor and the defacto complainant. Absolutely, he has not involved in the fabrication of Government records.

5.Per contra, the learned government advocate would submit that there is a serious allegation of fabricating Government records. As per the investigation, this revision petitioner also joined with the first accused and created false documents. Not only that they also tried to encroach upon the property and put up construction and made criminal intimidation to the mother of defacto complainant. According to him, the order of dismissal passed by the trial Court does not suffer from any illegality or irregularity.

6.Perusal of CD file and connected record shows that on the basis of information furnished by the concerned Town Survey Authority, the document dated 10.08.2022, which is stated to be the Town Survey Field Map is a forged one. As I mentioned earlier, it is an allegation to the effect that this revision petitioner also joined hands with the first accused, in fabricating the above said records. When serious allegations of fabricating of fake Government



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records is made, unless a strong case is made out by the revision petitioner, he is not entitled for discharge. Except stating that he is only a bonafide purchaser without notice, no other ground for worth considering has been raised by him. Whether he is a bonafide purchaser without notice and he is not involved in the fabricating of Government records, can only be find out, at the conclusion of trial as pointed out by the trial Court. Absolutely, I find no reason to differ from the view that was taken by the trial Court, since there is no merit in this petition.

7.In view of the above, this revision petition deserves to be dismissed. Accordingly, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No
Internet:Yes/No

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G.ILANGOVAN, J.

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