



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2023

Coram:

The Hon'ble Mr.Justice V.SIVAGNANAM

**Crl.O.P.No.12365 of 2016
and Crl.M.P.No.6352 of 2016**

1.S.Narayanan @ Badri Narayanan

2.Sreekala Badri

...Petitioners

Versus

1.State rep. by
The Inspector of Police,
J6, Thiruvanniyur Police Station,
Chennai – 600 041.

2.V.S.Rajan (alias) Venkatachari Soundararajan

...Respondents

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to call for the records in F.I.R.No.420 of 2016 on the file of J6 Thiruvanniyur Police Station and quash the same.

For Petitioners	:	Mr.M.S.Krishnan Senior Counsel
For Respondent – 1	:	Mr.L.Baskaran Government Advocate (Crl.Side)
For Respondent – 2	:	Ms.N.Devi



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ORDER

This criminal original petition has been filed by the petitioners seeking to quash the F.I.R.No.420 of 2016 on the file of 1st respondent police.

2. The brief facts of the case are as follows:

The petitioners and the 2nd respondent are relatives. The 2nd respondent is the maternal uncle of the 1st petitioner. During the year 1989, the 2nd respondent had settled his property situated at Door No.4, Plot No.3, Srinivasapuram, Thiruvannamiyur, Chennai – 600 041 in favour of 2nd petitioner (wife of 1st petitioner) by way of Settlement Deed dated 22.02.1989 which was registered as Document No.686 of 1989 on the file of Sub-Registrar Office, Saidapet. Subsequent to the execution of said Settlement Deed, the petitioners were in possession and enjoyment of the said property.

2.1. While so, after a period of 26 years from the execution of said Settlement Deed, on the ill advise of some land brokers, the 2nd respondent



had filed a suit in C.S.No.546 of 2015 before this Court praying to declare the Settlement Deed dated 22.02.1989 as null & void and to declare his title over the property which he settled in favour of the 2nd petitioner. After the filing of said suit, the 1st petitioner had filed an Application No.328 of 2016 before this Court seeking to reject the plaint in C.S.No.546 of 2015 on the ground that the 2nd respondent has no cause of action to maintain the suit and the said suit is barred by limitation.

2.2. Subsequently, the 2nd respondent had lodged a police complaint against the petitioners. Based on the said complaint, the 1st respondent police had registered the FIR No.420 of 2016 against the petitioners for the offence under Sections 120(b), 406, 420, 463, 464 & 468 of I.P.C. Hence, the petitioners have filed the present petition.

3. Mr.M.S.Krishnan, learned Senior Counsel appearing for the petitioners submitted that the 2nd respondent had executed the Settlement Deed dated 22.02.1989 in favour of the 2nd petitioner, only in consideration of love and affection towards her, however, after a period of 26 years from



the execution of Settlement Deed, at the instigation of some land brokers, the 2nd respondent had filed a declaration suit in C.S.No.546 of 2015 against the petitioners.

3.1. The learned Senior Counsel further submitted that the 2nd respondent passed away on 26.05.2023 and a copy of the Death Certificate of 2nd respondent is also produced by him before this Court. Since the 2nd respondent is no more, the suit filed by him in C.S.No.546 of 2015 has been dismissed as abated by this Court vide judgment dated 30.06.2023.

3.2. The learned Senior Counsel drew the attention of this Court to the affidavit filed by the wife & daughter of 2nd respondent, wherein, it is stated that the 2nd respondent had settled the subject property in favour of the 2nd petitioner by way of Settlement Deed dated 22.02.1989, however, based on some ill advise, the 2nd respondent had filed a suit in C.S.No.546 of 2015 seeking to declare the said Settlement Deed as null & void. Further, it is stated that the criminal complaint dated 10.02.2016 lodged by the 2nd respondent as against the petitioners is false in nature and as the legal



heirs of the deceased 2nd respondent, they do not wish to proceed with the said criminal complaint and hence, the said complaint may be closed.

Therefore, the learned Senior Counsel prayed this Court to quash the criminal proceedings in FIR No.420 of 2016 on the file of 1st respondent police.

4. Mr.L.Baskaran, learned Government Advocate (Crl.Side) appearing for the 1st respondent police also conceded that the 2nd respondent is no more and the civil suit filed by the 2nd respondent was also dismissed as abated by this Court.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the 1st respondent police.

6. As far as this case is concerned, the petitioners and the deceased 2nd respondent are close relatives. When the 2nd respondent was alive, he had settled his aforesaid property in favour of the 2nd petitioner by way of execution of Registered Settlement Deed dated 22.02.1989, but, after a



period of 26 years from the execution of said Settlement Deed, the 2nd respondent had filed a suit in C.S.No.546 of 2015 before this Court praying to declare the said Settlement Deed as null and void. That apart, the 2nd respondent had lodged a criminal complaint against the petitioners and on the basis of that complaint, the 1st respondent police had registered the FIR No.420 of 2016 against the petitioners. Now, the 2nd respondent passed away and hence, the suit filed by him was dismissed as abated by this Court.

7. It is to be noted that subsequent to the death of 2nd respondent, the legal heirs of the 2nd respondent (wife & daughter of the 2nd respondent) have filed an affidavit respectively stating that the criminal complaint lodged by the 2nd respondent is a false one and they are not willing to proceed with the said complaint.

8. Considering the facts and circumstances of the case and taking note of the affidavit filed by the wife & daughter of the 2nd respondent, this Court is inclined to allow this petition and quash the proceedings in FIR No.420 of 2016 on the file of the 1st respondent police.



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9. Accordingly, this criminal original petition is allowed and the criminal proceedings pending in FIR No.420 of 2016 on the file of the 1st respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

16.08.2023

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Inspector of Police,
J6, Thiruvanmiyur Police Station,
Chennai – 600 041.

2.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM, J.

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