



CrI.RC.No.197 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Order 30.06.2023	Date of Pronouncing Order 23.08.2023
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CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

CrI.RC.No.197 of 2018

P.Manikandan, M/A 27 years
S/o.S.Padmanaban
Plot No.40, No.4/1 S.S.Nagar
Karambakkam, Porur
Chennai 600 116.

... Petitioner

Vs.

1.S.Anandhan, M/A 51 years
S/o.Singara Naicker
Plot No.39A, No.4/1 S.S.Nagar
Karambakkam
Porur, Chennai 600 116.

2.R.Loganahtan, M/A 37 years
S/o.A.Rajendran
No.4/17, Bharathi Salai
Karambakkam
Porur, Chennai 600 116.

... Respondents

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C.,
against the order dated 13.12.2017 passed by the learned IX Metropolitan



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Magistrate (incharge), Saidapet, Chennai in CrI.MP.No.2277 of 2017 in CC.No.290 of 2016, discharging the Accused and to set aside the same.

For Petitioner : Mr.K.Selvakumaraswamy

For Respondents : Mr.A.Ramaswamy

O R D E R

This Criminal Revision Petition has been filed against the order dated 13.12.2017 passed by the learned IX Metropolitan Magistrate (incharge), Saidapet, Chennai in CrI.MP.No.2277 of 2017 in CC.No.290 of 2016 and to set aside the same.

2.The unsuccessful private complainant is the Revision Petitioner herein. He filed private complaint, against Respondents 1 & 2 herein for the alleged offences under Sections 120 (b), 465, 467, 468, 471, 506 (ii) IPC and during trial, PW1 & PW2 were examined. At that time Accused A1 & A2 were filed CrI.MP.No.2277 of 2017, for discharge and the same was allowed and hence the Revision Petition.

3.Learned counsel for the Petitioner would contend that, father of the



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Petitioner died on 13.05.2011. Thereafter, A1 who is the paternal uncle and A2, who is his aunt's son have compelled him and his Mother to give the land and when they refused for the same, the first Accused has created a settlement deed in favour of his wife viz., Ponni, as if, the father of the complainant/Petitioner herein has executed a Will in his favour on 14.02.2011 and subsequently died on 13.05.2011. On such capacity he derived the title from his father through the Will and executed a settlement deed. The Will copy is stated to be in possession of the Accused, learned IX Metropolitan Magistrate (incharge), Saidapet, Chennai observed as stated supra, and hence the learned counsel for the Petitioner seeks for interference. The first Accused/first Respondent is the paternal uncle (சித்தப்பா) who has married his sister's daughter.

4.The learned counsel for the Respondent would contend that since the deceased Padmanabhan (father of the complainant herein) has suffered renal failure, he has incurred renal transplantation (kidney transplantation), wherein the said Padmanabhan's sister's daughter Ponni, who was married to one Aanandan viz., first Accused, has given her one Kidney for the sake of living of



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the said Padmanabhan. Hence he had executed a Will on 14.02.2011 and subsequently died on 13.05.2011. The first Respondent/first Accused is the சித்தப்பா of the Petitioner (paternal uncle) and second accused is the son of the first Accused. The wife of the first Accused is alleged to have donated one kidney for the renal transplantation of the testator viz., Padmanabhan.

5.Learned counsel for the Petitioner would contend that the Will is the forged one. The learned Magistrate has closed the criminal case on the ground that the matter is civil in nature.

6.Heard the learned counsel appearing on either side and perused the available records.

7.“Ponni” is the daughter of the eldest sister of the deceased and wife of the first accused and she filed the papers that have been filed for kidney transplantation operation of the deceased Padmanabhan, wherein it is categorically mentioned that the deceased was willing to accept and receive one kidney from the donor. The name of the donor is mentioned as “Ponni”, who is



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none other than his own sister's daughter and wife of his brother (the first Respondent/first Accused) herein. That papers are dated 30.10.2010 and joint declaration paper has also been filed before this Court.

8.After perusing the copy of the Will that was produced by the Accused A1 & A2 through their learned counsel, I am not expressing any opinion. However, in the interest of justice, following order is passed.

9.Copy of the Will dated 14.02.2011 is furnished to the learned counsel for the Petitioner herein. If the party is aggrieved by the alleged Will, it is open to them to agitate the matter in accordance with law. This Court is not expressing any opinion as to the genuineness of the copy of the Will, which was produced before this Court.

10.The Registry is directed to hold the copy of the Will dated 14.02.2011 as a permanent record and certified copy of this Will shall be furnished to the learned counsel for the Petitioner for the legal purpose, if any, proposed to be taken by the parties.



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11. With the above observation, this Criminal Revision is dismissed.

23.08.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To
1. The IX Metropolitan Magistrate (incharge),
Saidapet,
Chennai.
2. The Public Prosecutor,
High Court,
Chennai.



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RMT.TEEKAA RAMAN.J,

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Pre-delivery Order made in

CrI.RC.No.197 of 2018

Dated: 23.08.2023