



WEB COPY



Crl.O.P.No.7555 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7555 of 2022

1.Renuka

2.Jothimathi

... Petitioners

Versus

1.The Superintendent of Police,
Coimbatore,
Coimbatore District.

2.The Inspector of Police,
Kovilpalayam Police Station,
Sarkar Samakulam,
Coimbatore District.

3.The Sub Inspector of Police,
Anti-Land Grabbing Special Cell,
District Police Office Campus,
Coimbatore – 18.

4.R.Natarajan

[R4 impleaded as per order dated
18.08.2022 in Crl.M.P.No.12217/2022
in Crl.O.P.No.7555 of 2022]

... Respondents



Crl.O.P.No.7555 of 2022

PRAYER : Criminal Original petition filed under Section 482 Cr.P.C. praying to direct the respondents to recover the original sale deeds dated 14.09.2001 (Doc.No.3695/2001) and dated 08.12.2015 (Doc. No.7520/2015) from the accused and hand over the same or to issue non-traceable certificate by investigating the petitioners' complaints dated 09.02.2022 and 25.12.2021 given to the respondents 1 and 2 respectively.

For Petitioners : Mr.M.Ganesh

For Respondents 1 to 3 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Respondent-4 : Mr.R.Ravichandran

ORDER

This petition has been filed by the petitioner seeking a direction to the respondents to recover the original sale deeds dated 14.09.2001 (Doc.No.3695/2001) and dated 08.12.2015 (Doc. No.7520/2015) from the accused and hand over the same or to issue non-traceable certificate by investigating the petitioners' complaints dated 09.02.2022 and 25.12.2021 given to the respondents 1 and 2 respectively.



WEB COPY

2. This Court, on 21.06.2023, had passed the following order:

“This Court, on 16.06.2023, had passed the following order:

“The petitioners have sent a complaint to the second respondent on 25.12.2021 followed by a representation to the first respondent on 09.02.2022. The complaint is that the petitioners are sisters. The first petitioner is owning a property at Vilankurichi in Document No.7520/2015 dated 08.12.2015, S.R.O., Ganapathy and the second petitioner is owning a property at Periyamaykanpalayam in Document No.3695/2001 dated 14.09.2001, S.R.O., Periyamaykanpalayam. Both these original documents were handed over to one Jegan, a family friend for finding out prospective buyer to their properties. While so, the said Jegan was involved in a POCSO offence case. The first petitioner along with wife of Jegan stood as guarantors and executed sureties in favour of Jegan. During enquiry it was found that the said Jegan handed over the first petitioner's document to one Ravi and received a sum of Rs.5,00,000/- and second petitioner's document to one Nataraj/fourth respondent and received a sum of Rs.10,00,000/-. Thereafter, on the complaint, the document of the first petitioner was handed over by Ravi to the first petitioner. The second petitioner document is still retained by fourth respondent, who is demanding a sum of Rs.10,00,000/-. Despite giving particulars about the said Ravi and Nataraj holding the documents illegally in collusion with said Jegan, the respondent Police did not take any action to recover the original documents. Hence, the above petition has been filed.

2. Learned Additional Public Prosecutor submits that in this case, first petitioner's document handed over to her by Ravi and as regards second petitioner's document, the fourth respondent informed that the document is now subject matter of civil dispute and already civil case has been filed before the Court.



3. *Learned counsel appearing for fourth respondent submits that he filed a civil suit for specific performance against the petitioners herein in O.S.No.1443 of 2021 before Sub Court, Coimbatore and Document No.3695 of 2001 is in custody of the concerned Court. Further submits that there is no illegal possession or detention of the documents. He seeks small accommodation to substantiate his claim.*

4. *Registry is directed to print the name of Mr.R.Ravichandran, learned counsel for fourth respondent in the cause list.*

5. *Post the matter on 21.06.2023.”*

2. *In continuation and conjunction to the earlier passed by this Court on 16.06.2023, Mr.R.Ravichandran, learned counsel appearing for the fourth respondent fairly submitted that though a civil suit was filed, the same was returned on 28.04.2021 for the reason that the suit is barred under Section 53A of Transfer of Property Act, 1882. As on date, there is no civil suit and hereafter steps would be taken to resubmit the plaint before the concerned Civil Court.*

3. *Learned Additional Public Prosecutor submitted that the fourth respondent was called for enquiry, wherein the fourth respondent as well as his advocate submitted that the money has been paid to Jegan and it is for the Jegan to hand over the money. Once the money is handed over, the fourth respondent shall return*



WEB COPY

the document. Further, the fourth respondent confirmed that the original document of the second petitioner bearing Document No.3695/2001 dated 14.09.2001 is in his custody. Since it was represented by the fourth respondent that civil suit is pending, the complaint was closed. Now on the submission of the fourth respondent it is found that there is no civil suit pending and the document is with the fourth respondent. The fourth respondent would be summoned and called for enquiry, documents would be sought, further the transaction between the fourth respondent and Jegan would also be verified with regard to payment of such huge amounts as claimed by the fourth respondent. He further submitted that the plight of the elderly single ladies would be considered and appropriate action would be taken. He seeks time to report about the further progress of enquiry on the petitioner's complaint.

4. Learned counsel for the fourth respondent submitted that in paragraph 7 of the affidavit it was stated that the respondent police has closed the complaint after enquiry. Hence, the police cannot re-open the closed case and the petitioner has got right only to approach the Court of Law to seek his remedy and not this Court.

5. This Court finds hard on the submission made by the fourth respondent. The complaint has been closed based on the submissions made by the fourth respondent that the document has been submitted before the Sub Court, Coimbatore. Now the fourth



Crl.O.P.No.7555 of 2022

WEB COPY

respondent admitted that no civil suit is pending. Hence, on the false representation the complaint has been closed. The respondent police or any authority have all the rights to re-open the complaint which has been closed on a false submission.

6. Accordingly, the third respondent is directed to re-open the complaint, conduct enquiry and report before this Court on 27.06.2023.

7. Post the matter on 27.06.2023 under the caption 'For orders'."

3. In continuation and conjunction to the earlier order passed by this Court on 21.06.2023, this Court finds that as on date, there is no civil suit filed by the fourth respondent.

4. Learned Additional Public Prosecutor on instructions submits that today, steps have been taken to re-open the complaint which has been closed earlier.



Crl.O.P.No.7555 of 2022

WEB COPY

5. In view of the same, the third respondent is directed to continue with the complaint, conduct enquiry and dispose of the complaint in accordance with law.

6. With the above directions, this Criminal Original Petition is disposed of.

27.06.2023

Index : Yes / No
Internet : Yes/No
Speaking / Non-speaking order
rsi



WEB COPY



Crl.O.P.No.7555 of 2022

M.NIRMAL KUMAR, J.

rsi

To

- 1.The Superintendent of Police,
Coimbatore,
Coimbatore District.
- 2.The Inspector of Police,
Kovilpalayam Police Station,
Sarkar Samakulam,
Coimbatore District.
- 3.The Sub Inspector of Police,
Anti-Land Grabbing Special Cell,
District Police Office Campus,
Coimbatore – 18.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7555 of 2022

27.06.2023