



Crl.O.P.No.8573 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Senbagam and Loganathan, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 464, 468, 471 and 34 of IPC in Crime No.01 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that petitioners are accused in Crime No.01 of 2023 registered for the offences under Sections 464, 468, 471 and 34 of IPC. The allegation against the petitioners is that, 1st petitioner fabricated the power of attorney deed in favour of the 2nd petitioner alleging that she is the daughter of one Ranjana Sethi, owner of the disputed property and executed power of attorney deed. The allegations in the First Information Report are totally false. Apprehending arrest this petition is filed.

3. In response, learned counsel appearing for the defacto complainant/intervenor submitted that, defacto complainant's sister Ranjana Sehti is the original owner of the disputed property. She has no



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daughter and she is alive and residing at Mumbai with her husband.

Taking advantage of her absence, accused persons had forged and fabricated the documents to sell the property. Hence, he prayed for dismissal of the petition.

4. The learned Government Advocate (Crl.Side) submitted that, when the matter is taken up for hearing on 12.06.2023, this Court directed the petitioners to hand over the documents, on the basis of which petitioners claim right over the property and also directed the respondent police to verify the genuineness of those documents. After verification, reports were received from Tahsildar, Chengalpattu and Sub Registrar, Thiruporur. These reports show that documents produced by the petitioners are forged and fabricated documents. There was also direction for verification of title of the defacto complainant. That was also done and the report of Sub Registrar, Tiruporur states that documents produced by the defacto complainant bearing No.1138 of 1996 is true and genuine document.



5. Considered the rival submissions and perused the records.

FIR allegations shows that, defacto complainant's sister Ranajana Sethi is the absolute owner of the following properties :

- (i) Old Survey No.191/24 part new survey No.191/24B measuring an extent of 7 cents.*
- (ii) Survey No.191/25 measuring an extent of 14 cents*
- (iii) Survey No. 191/26 measuring an extent of 14 cents.*
- (iv) Old Survey No.191/54 part new Survey No.191/54B measuring an extent of 8 cents*
- (v) Survey No.191/55 measuring an extent of 16 cents*
- (vi) Survey No.191/56 measuring an extent of 16 cents, totally 75 cents.*

She had purchased these properties from one Jothi R.Nichani and Deepa J.Nichani and Geetha P.Nichani by way of registered sale deed dated 26.04.1996. Ranjana Sethi is residing in Mumbai and her sister who is the defacto complainant herein is taking care of the properties. Recently defacto complainant came to know that, 1st petitioner K.Shenbagam had executed power of attorney in favour of the 2nd accused Loganathan vide general power of attorney deed dated 17.11.2022 at SRO, Thiruporur. She claims that, she is the owner of these properties as the only daughter of Ranjana Sethi. This is wrong



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and false claim for the reason that, Ranjana Sethi has no daughters, but she has two sons and they are residing at USA. Ranjana Sethi is residing at Mumbai along with her husband. In the said circumstances, complaint has been given against the accused alleging that the accused persons are attempting to grab the lands by created forged and fabricated documents. Based on which, FIR in Crime No.01 of 2023 was registered for the offences under Sections 464, 468, 471 and 34 of IPC.

6. As already indicated, this Court on 12.06.2023, directed the petitioners to hand over the following documents for verifying its genuineness.

- (i) *Legalheirship Certificate Vide Ref.No253/2011/அ4 dated 14/9/2011*
- (ii) *Death Certificate Vide Form No.10 dated 30.12.1996.*
- (iii) *Original Sale Deed dated 25.05.1989 alleged to be executed by C.Pachayappan favouring in the name of Jothi R. Nichani and Others*
- (iv) *Sale Deed dated 26.04.1996 executed by Mrs.Jothi R. Nichani and Others in favour of Ranjana Sethi.*

7. The reports from the Tahsildar vide Na.Ka.No.281/2023/அ5



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and SRO Thiruporur vide document No.Na.Ka.No. 486-/2023 shows that documents produced by the petitioners are forged and fabricated documents. On the other hand, it is seen from the report of the SRO Thiruporur that the document produced by the defacto complainant bearing No.1138 of 1996 is true and genuine document. Through this document, Ranjana Sethi purchased the above said properties. Thus, it is obvious from the materials produced before this Court that the petitioners have apparently forged and fabricated the documents to claim the right over the aforesaid property.

8. It is sad to see that the petitioners had created death certificate for a person who is alive, namely Ranjana Sethi, and had created forged and fabricated legal heirs certificate and other documents.

9. Considering the nature, facts and circumstances of the case, the rank forgery committed by the accused, and that the investigation in this case is not completed, this Court is not inclined to grant anticipatory bail to the petitioners.



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10. Accordingly, this Criminal Original Petition is dismissed.

Respondent police is directed to take appropriate steps for arresting the petitioners and proceed further with the investigation in this case.

11. Registry is directed to handover the documents relating to this case which are in the custody of this Court to the Investigation Officer through the learned Government Advocate (Crl. Side) for the purpose of investigation.

13.07.2023

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