



Crl.O.P.No.15690 of 2022

In the High Court of Judicature at Madras

Reserved on : 28.8.2023	Delivered on : 01.9.2023
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.15690 of 2022
& Crl.M.P.Nos.8817 & 12885 of 2022

Mrs.Anuradha Moturi

...Petitioner

Vs

1.State by
the Assistant Commissioner of
Police, CCB-II, Central Crime
Branch, Chennai.

2.Mr.Prathap K.Moturi

...Respondents

PETITION under Section 482 of the Criminal Procedure Code
praying to call for the records and quash the proceedings as against
the petitioner in Crime No.19 of 2022 dated 05.3.2022 on the file of
the Assistant Commissioner of Police, CCB-II, Central Crime Branch,
Chennai.

For Petitioner :

Mr.A.Ramesh, SC for
Mr.B.A.Sujay Prasanna

For Respondent-1 :

Mr.A.Damodaran, APP

For Respondent-2 :

Mr.Shanmugavelayutham, SC for
Mr.J.Pothiraj



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ORDER

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This is a petition filed by the petitioner seeking to quash the first information report pending investigation on the file of the first respondent in Crime No.19 of 2022.

2. The facts leading to filing of this petition are stated as hereunder :

(i) One late Dr.Moturi Sathyanarayana - the father of the second respondent, was the owner of the subject property measuring approximately four acres. The said late Dr.Moturi Sathyanarayana had executed a registered will dated 20.5.1983 bequeathing the subject property in favour of three of his grand children. He nominated two of his sons as administrators. As per the said registered will, out of the total extent of 4 acres, an extent of 1.5 acres each was given to two grandsons and an extent of 1 acre was given to the granddaughter, who is none other than the petitioner herein.

(ii) One late Mr.M.K.Mohan, who was none other than the brother of the second respondent and the son of the said late Dr.Moturi Sathyanarayana, created a fabricated will dated 04.3.1995 and forged the signature of the said late Dr.Moturi Sathyanarayana as



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if the entire property was bequeathed in his favour. Based on the said fabricated will dated 04.3.1995, the said late Mr.M.K.Mohan executed a gift deed dated 01.2.2002 in favour of one Mrs.Lalitha Mohan (A1), who is none other than the wife of the said late Mr.M.K.Mohan.

(iii) Later, A1 and the said late Mr.M.K.Mohan dealt with an extent of 42 cents and another extent of 3.05 acres out of the total property and sold them into two portions in the year 2004 and 2005 in favour of one Mr.S.Venkatesh (A4) and one Mrs.P.Usha (A3) respectively.

(iv) In 2005, the second respondent instituted proceedings to probate the will dated 20.5.1983. Since it was contested, it was converted into T.O.S.No.73 of 2013 before this Court. The said testamentary original suit was decreed on 30.1.2018, the will dated 20.5.1983 was found to be genuine and the letters of administration was granted. This judgment was subsequently confirmed in appeal in O.S.A.No.19 of 2019 by judgment dated 17.2.2020.

(v) Further, proceedings were initiated by the second respondent before the authorities concerned for cancellation of the settlement deed dated 01.2.2002 executed in favour of A1 by the said late Mr.M.K.Mohan and the sale deeds that were executed in favour of A4



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and A3 by A1 and the said late Mr.M.K.Mohan respectively in the years 2004 and 2005. The Deputy Inspector General of Registration, Chennai Region, through proceedings dated 17.2.2021, cancelled registration of those documents since they were based on a fabricated will. He also recommended to the Sub-Registrar, Kundrathur for initiation of criminal proceedings under Section 83 of the Registration Act.

(vi) In addition to that, the second respondent filed a writ petition before this Court in W.P.No.15867 of 2021 seeking a direction to (i) the Commissioner of Police, Chennai-7; (ii) the Additional Commissioner of Police, City Crime Branch, Chennai-7; and (iii) the Inspector of Police, Team XXIV, City Crime Branch, Chennai-7 to implement the proceedings initiated by the Sub-Registrar, Kundrathur dated 09.03.2021 at the earliest point of time. This writ petition came to be disposed of by this Court by an order dated 06.12.2021 directing the respondent - police to register the first information report, conduct investigation and file a final report within a period of six months.

(vii) Pursuant to the said order of this Court dated 06.12.2021, the first information report was registered in Crime No.19 of 2022. Challenging the same, the petitioner (A2) alone is before this Court.



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3. Heard the learned Senior Counsel appearing on behalf of the petitioner (A2), the learned Additional Public Prosecutor appearing for the first respondent and the learned Senior Counsel appearing on behalf of the second respondent.

4. This Court has carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

5. When the matter came up for hearing on 14.8.2023, this Court was informed that the investigation was complete and a draft final report was also made ready. Therefore, this Court directed the draft final report to be produced before this Court in order to see as to whether any materials have been collected against the petitioner (A2). Accordingly, the draft final report was also produced before this Court.

6. The main allegation that has been made against the petitioner (A2) is that she has a joint account along with her mother (A1) and that she was also a beneficiary out of the sale proceeds made in favour of A3 and A4. That apart, it was further alleged that it was the



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petitioner (A2), who had introduced A3 and A4 to A1 for sale of the property in their favour.

7. There is no dispute with regard to the fact that the petitioner (A2) is also a beneficiary under the will dated 20.5.1983, which was executed by the said late Dr.Moturi Sathyanarayana and that the petitioner (A2) is also given nearly one acre out of the total extent of the property. Admittedly, the petitioner (A2) was not involved in the preparation of the so-called fabricated will dated 04.3.1995. The petitioner was also not given any property by her father - the said late Mr.M.K.Mohan based on the said fabricated will dated 04.3.1995.

8. The only allegation against the petitioner is that she holds a joint account with A1 and that she was also a beneficiary and got a share in the sale proceeds. There is absolutely no material available to substantiate this allegation against the petitioner (A2).

9. It was brought to the notice of this Court that the petitioner (A2) migrated to USA in the year 1991 itself and she was a citizen of the United States of America. The petitioner had also undergone her



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masters and obtained M.S. degree from Oakland University. She was also holding some key positions and had a 15 year stint with Ford. She quit her job in the year 2011 to become an entrepreneur and came back to India. The petitioner is said to be running an enterprise and providing career and job opportunities in the field of medical device manufacturing. It is, therefore, apparent that before 2011, the petitioner was not even in India.

10. The petitioner had nothing to do with the alleged fabricated will dated 04.3.1995 and she had neither signed any documents nor stood as a witness. She had nothing to do with the settlement deed executed in favour of A1 in the year 2002 and the sale deeds that were executed in favour of A4 and A3 in the years 2004 and 2005 respectively. All of a sudden, the petitioner has been roped in this case as an accused only for the reason that she happens to be the daughter of A1 and that she has a joint account with her mother (A1).

11. There are absolutely no materials to show that the petitioner (A2) had introduced A3 and A4 in order to enable A1 to execute the sale deeds in their favour. These sale deeds were executed in the



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years 2004 and 2005. At that point of time, the petitioner was living in the United States of America and she came back to India only in the year 2011.

12. On going through the draft final report and the materials placed before this Court, none of the offences are made out against the petitioner and the continuation of the criminal proceedings against the petitioner (A2) will only result in an abuse of process of law, which warrants interference of this Court in exercise of its jurisdiction under Section 482 of the Criminal Procedure Code. The petitioner (A2) is already entitled for one acre even as per the admitted will dated 20.5.1983 and the petitioner (A2) has also made it clear that she does not want any other property.

13. In the light of the above discussions, the first information report in Crime No.19 of 2022 on the file of the first respondent is quashed in so far as the petitioner (A2) is concerned and this criminal original petition is accordingly allowed. Consequently, the connected Crl.M.Ps. are closed.

01.9.2023



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To

1.The Assistant Commissioner of Police,
CCB-II, Central Crime Branch, Chennai.

2.The Public Prosecutor, High Court,
Madras.

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N.ANAND VENKATESH,J

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