



CrI.O.P.Nos. 5263, 7407, 8326 of 2017 &
20223 of 2019 and
W.P.Nos.10875 of 2016 & 30581 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.Nos.5263, 7407, 8326 of 2017 & 20223 of 2019
and W.P.Nos.10875 of 2016 & 30581 of 2017

and

CrI.M.P.Nos.5333 & 5965 of 2017, 15313 & 15315 & 10361 of 2019
and

W.M.P.Nos.9487 of 2016, 33492 & 33493 of 2017

CrI.O.P.No.5263 of 2017

D.Kishore Kumar

.....

Petitioner

Vs

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

2. The Deputy Superintendent of Police,
Villupuram,
Villupuram District.

3. The Inspector of Police,
Anti Land Grabbing Cell,
Villupuram,
Villupuram District.
Crime No.8 of 2017.



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4. The Sub Inspector of Police,
Anti Land Grabbing Cell,
Villupuram,
Villupuram District.

5. Dr.B.Arunkumar
(R5 impleaded as per order dated
06.04.2017 in Crl.M.P.No.
4940 of 2017 in Crl.O.P.No.
5263 of 2017)

.... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to issue a direction directing the respondents police to verify the impugned original registered sale deed dated 17.06.2005 document No.456 of 2006 (Marked as Ex.A1) and original registered partition deed dated 30.06.1986, document No.617/1986 (Marked as Ex.B1) which is for comparing Thumb impression, which are in the custody of the learned Principal District Munsif Court at Gingee, Villupuram District in O.S.No.119 of 2015 and to investigate the case in Crime No.8 of 2017 on the file of the respondents police.

In Crl.O.P.No.5263 of 2017

For Petitioner : Mr.R.Krishnan
For R1 to R4 : Mr.L.Baskaran
Government Advocate (Crl.Side)

In Crl.O.P.No.7407 of 2017

For Petitioner : Mr.V.Lakshminarayanan
For R1 : Mr.L.Baskaran
Government Advocate (Crl.Side)
For R2 : Mr.R.Krishnan



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In Crl.O.P.No.8326 of 2017

For Petitioners : Mr.N.Naganathan
For R1 : Mr.L.Baskaran
Government Advocate (Crl.Side)
For R2 : Mr.R.Krishnan

In Crl.O.P.No.20223 of 2019

For Petitioner : Mr.N.Naganathan
For R1 : Mr.L.Baskaran
Government Advocate (Crl.Side)
For R2 : Mr.R.Krishnan

In W.P.No.10875 of 2016

For Petitioner : Mr.R.Krishnan
For R1 to R4 : Mr.L.Baskaran
Government Advocate (Crl.Side)
For R5 : Mr.N.Naganathan

In W.P.No.30581 of 2017

For Petitioner : Mr.R.Krishnan
For R1 to R3 : Mr.L.Baskaran
Government Advocate (Crl.Side)
For R8 & R9 : Mr.N.Naganathan
For R10 & R11 : Mr.V.Manisekaran
For R12 & R13 : Mr.J.R.K.Bhavanatham

COMMON ORDER

Crl.O.P.No.5263 of 2017 has been filed for a direction directing the respondents police to verify the impugned original registered sale deed dated 17.06.2005 document No.456 of 2006 (Marked as



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Ex.A1) and original registered partition deed dated 30.06.1986, document No.617/1986 (Marked as Ex.B1) which is for comparing Thumb impression, which are in the custody of the learned Principal District Munsif Court at Gingee, Villupuram District in O.S.No.119 of 2015 and to investigate the case in Crime No.8 of 2017 on the file of the respondents police.

2. Crl.O.P.No.7407 & 8326 of 2017 and 20223 of 2019 have been filed to quash the FIR registered in Crime No.8 of 2017 on the file of the first respondent police.

3. W.P.No.10875 of 2016 has been filed for direction directing the 3rd respondent to conduct fair enquiry and pass appropriate order considering the representation of the petitioner dated 14.07.2015 submitted for cancellation of the sale deed bearing document No.456 of 2005 on the file of the 4th respondent, as directed by the 1st respondent herein in letter dated 07.08.2015.

4.W.P.No.30581 of 2017 has been filed to quash the impugned order passed in Petition No.2 of 2006 dated 29.05.2006 and his proceedings in Na.Ka.No.2072/A1/2016 dated 12.08.2016 and consequently direct the respondents 2 and 3 to cancel the sale deed dated



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17.06.2005 vide Document No.456 of 2006 dated 02.06.2005 on the file of the 3rd respondent and also cancel the release deed dated 09.12.2014 vide document No.7975 of 2014 on the file of the 3rd respondent herein and the consequential sale deed dated 26.02.2016 vide documents No.1098 and 1048 on the file of the 3rd respondent herein.

5. The petitioners in Crl.O.P.Nos.7407 & 8326 of 2017 and 20223 of 2019 are accused in Crime No.8 of 2017. They filed these petitions to quash the FIR registered in Crime No.8 of 2017 on the file of the first respondent. The petitioner in Crl.O.P.No.5263 of 2017 is the complainant in Crime No.8 of 2017. Pending investigation, the petitioners sought for a direction directing the Inspector of Police, Anti Land Grabbing (Special Cell), District Crime Branch, Villupuram, to verify the sale deed and partition deed for comparing thumb impression and to investigate in Crime No.8 of 2017.

6. The land and building, comprised in old S.No.1/45, New S.Nos.36/1, 36/2 and 37/11 admeasuring 38016 sq.ft., 5073 sq.ft. and 3344 sq.ft. respectively, situated at Ananthapuram Village, Gingee Taluk, Villupuram District, owned by one R.Desu Reddiar. He had executed a sale deed in favour of one K.R.Balakrishnan on 17.06.2005, after receipt



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of the entire sale consideration. However, before presenting the said document for registration, he died on 19.06.2005 and as such, it was not presented for registration immediately. Thereafter, the said sale deed was presented for registration on 17.06.2005, it was rejected by the Sub Registrar. Aggrieved by the same, the predecessor viz., K.R.Balakrishnan, preferred an appeal before the District Registrar, Villupuram in Appeal No.2 of 2006. The District Registrar, after conducting due enquiry, passed order on 29.05.2006, thereby set aside the order passed by the Sub Registrar and directed the Sub Registrar to register the sale deed dated 17.06.2005. Accordingly, the Sub Registrar registered the sale deed dated 17.06.2005 vide document No.456 of 2006. However, the sons of R.Desu Reddiar, viz., the defacto complainant in Crime No.8 of 2017, and his brother filed a suit challenging the sale deed in O.S.No.185 of 2015 on the file of the Principal District Munsif Court, Gingee, for declaration and permanent injunction to declare the sale deed vide document No.456 of 2006 dated 17.06.2005 as null and void.

7. Pending suit, the legal heirs of the predecessor filed an application for rejection of plaint in I.A.No.1234 of 2015 under Order 7 Rule 11 of CPC. The Trial Court allowed the application and thereby



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rejected the plaint by an order dated 15.09.2016. Aggrieved by the same, the defacto complainant preferred an appeal suit in A.S.No.9 of 2016 on the file of the Subordinate Judge, Gingee. The Appellate Court, by an order dated 15.03.2019, allowed the appeal and remanded the matter back to the Trial Court for fresh disposal. Aggrieved by the same, the defendants in the said suit filed an appeal in CMA No.3621 of 2019 before this Court. This Court, by an order dated 24.11.2020, allowed the appeal and the order passed by the Trial Court was confirmed. Aggrieved by the same, the plaintiffs filed an appeal before the Hon'ble Supreme Court of India in SLP No.10815 of 2022 and the same was also dismissed by an order dated 05.08.2022. Further, one of the sister of the defacto complainant has also filed a suit for partition in O.S.No.53 of 2006 in respect of the very same property. However, the said suit was dismissed for default. Even then, the legal heirs of the vendor discharged the possession and enjoyment of the suit property. Therefore, the legal heirs of the predecessor were constrained to file a suit for injunction in O.S.No.119 of 2015 on the file of the Principal District Munsif Court, Gingee and they also obtained an order of injunction.



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8. Pending suit, the defacto complainant and others filed an application seeking hand writing expert opinion on the sale deed dated 17.06.2005 in I.A.No.719 of 2015 and the same was dismissed by the Trial Court by an order dated 15.02.2016. Aggrieved by the same, they filed Civil Revision Petition in CRP No.589 of 2016. This Court also dismissed the CRP by an order dated 26.02.2016. Aggrieved by the same, they filed an appeal before the Hon'ble Supreme Court of India in SLP No.17853 of 2016 and the same was also dismissed by an order dated 26.09.2016. Suppressing all these facts, the defacto complainant lodged a complaint with the very same set of allegations alleging that his father's left thumb impression was forged by the predecessor and grabbed the entire property. In fact, in the sale deed, the defacto complainant is also one of the attesor and the brother of the deceased vendor is also one of the attesor. That apart, before District Registrar in Appeal No.2 of 2016 all appeared and a detailed enquiry was conducted. After due enquiry, the District Registrar found that the sale deed was executed by R.Desu Reddiar on 17.06.2005 and confirmed the left thumb impression of R.Desu Reddiar. After the said conclusion, the appeal was allowed and directed the Sub Registrar to register the sale deed. Accordingly, the



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Sub Registrar registered the sale deed vide document No.456 of 2006.

Thereafter, once again the sale deed was challenged and the said suit was also rejected and it is also confirmed by the Hon'ble Supreme Court of India. Therefore, the present complaint is nothing but a clear abuse of process of law and it cannot be sustained as against the accused.

9. In view of the above discussions, FIR registered in Crime No.8 of 2017 on the file of the first respondent police, is hereby quashed. Accordingly, Crl.O.P.Nos.7407 & 8326 of 2017 and 20223 of 2019 are allowed. In view of the order passed in Crl.O.P.Nos.7407 & 8326 of 2017 and 20223 of 2019, the Crl.O.P.No.5263 of 2017 is dismissed.

10. Insofar as the Writ Petition in W.P.No.30581 of 2017 is concerned, in view of the above discussions, this Court finds no infirmity or illegality in the order passed by the District Registrar, Villupuram and the writ petition is devoid of merits. Accordingly, W.P.No.30581 of 2017 is dismissed.

11. Insofar as the Writ Petition in W.P.No.10875 of 2016 is concerned, the prayer sought for in this writ petition has become infructuous since already the grounds raised by the petitioner had been decided by the Hon'ble Supreme Court of India as stated supra.



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Therefore, the direction sought for in this writ petition cannot be granted and the writ petition is devoid of merits. Accordingly, W.P.No.10875 of 2016 is dismissed. Consequently, connected miscellaneous petitions are closed.

16.11.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To

1. The Superintendent of Police,
Villupuram,
Villupuram District.
2. The Deputy Superintendent of Police,
Villupuram,
Villupuram District.
3. The Inspector of Police,
Anti Land Grabbing Cell,
Villupuram,
Villupuram District.
4. The Sub Inspector of Police,
Anti Land Grabbing Cell,
Villupuram,
Villupuram District.
5. The Public Prosecutor,



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High Court, Madras.

G.K.ILANTHIRAIYAN. J.



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