



Crl.O.P.No.20680 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420, 463, 464, 468 of IPC in Crime No. Not known of 2023, seek anticipatory bail.

2. The learned counsel for the petitioner submitted that, though FIR in this case is not registered, since he is holding a higher position in the locality, it is creating law and order problem in the said locality.

3. As per the complaint, one ex-service man by name A.Gopalan was given 3 acres of land and as per encumbrance certificate, there is a sale deed said to have been executed by the Gopalan in favour of Chitra on 28.09.1993. In turn, Chitra sold it to one Thangaraj, who in turn said to have sold to one Ramesh Krishnan/the petitioner herein on 08.02.2007. Thereafter, on 29.12.2020, he had executed the sale deed in favour of Sri Aandal Paper Mills Ltd.

4. I find that, initially land was given only to an extent of 3 acres to the *de-facto* complainant. Subsequently, along with the said extent of 3 acres, a larger extent of lands were purchased by this petitioner. As per



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the uncontroverted allegations in the complaint, the *de-facto* complainant is said to have come to know about the knowledge of the alleged fact viz., that the sale deed dated 28.09.1993 is fabricated by Chitra and the thumb impression in the said sale deed is disputed by the Gopalan and he had a knowledge in the year 2012, however chosen to give the complaint in the year 2023 Viz., after 11 years.

5. The learned Government Advocate (Crl.side) stated that 41-A notice has been issued to the petitioner and he has to cooperate for the investigation as to whether the thumb impression found in the impugned sale deed is that of the *de-facto* complainant or not and hence, he has to cooperate as per summons.

6. Taking into consideration that, what was disputed is an thumb impression in the sale deed dated 28.09.1993 and also there is a huge delay in filing of the complaint, the petitioner is directed to appear before the respondent police and the Investigating Officer has to conduct the enquiry by strictly following the procedures therein and if any *prima facie* case is made out against the petitioner, register the F.I.R or close the petition enquiry within a period of three weeks from today. The



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parties are directed to cooperate with the enquiry. It is needless to say that the respondent police is directed not to arrest the accused on the complaint lodged by the *de-facto* complainant.

7. With the above directions, this criminal original petition is disposed of.

04.09.2023

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