



Crl.O.P.No.30326 of 2019

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

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

Crl.O.P.No.30326 of 2019

and

Crl.M.P.No.16398 of 2019

TamilEzhilan

... Petitioner

Vs

1. State Rep. by its
The Sub-Inspector of Police,
Central Crime Branch-II,
Chennai.
(Cr.No.16/2019)

2. R.Paneerselvam

3. The Assistant General Manager,
Indian Bank,
Villivakam Branch,
No.1 Thirumangalam Road,
Villivakkam, Chennai.

... Respondents

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records in connection with FIR in Crime No.16 of 2019 on the file of the Sub-Inspector of Police, Central Crime Branch-II, Chennai and quash the same.



Crl.O.P.No.30326 of 2019

For Petitioner : Mr.S.Saravana Kumar
For Respondent 1 : Mr.L.Baskaran
Government Advocate (Crl.Side)
For Respondent 2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.16 of 2019 dated 21.01.2019 on the file of the 1st respondent registered for the offences under sections 419,465,467,471 and 120B of IPC as against the petitioner.

2. The crux of the complaint is that on 21.01.2019, the defacto-complainant was given a complaint to the Commissioner of Police, E.V.R.Road, Vepery, Chennai stating that some unknown person had impersonated the original land owner i.e., the defacto-complainant with the assistance of Accused 2 to 4 and executed a sale deed in favour of Sugumaran (Accused No.1) vide document No.12313 of 2017 dated 13.12.2017 and Memorandum of Deposit of Title Deed vide Document No.12314 of 2017 in favour of the bank, with intention to grab the land



Crl.O.P.No.30326 of 2019

of the defacto-complainant bearing Plot No.9B in the name and style of "Prakash Nagar" at S.No.11/3 to the extent of 1875 Sq.ft., at Thiruninravur Village, Poonamallee Taluk, Thiruvallur District, thereby all the accused persons hatched up criminal conspiracy with fraudulent intention and manipulating the documents like Aadhar card, Bank Passbook and created a sale deed. The property is subject to minor Interest Property and without verifying the parent document, the 4th accused sanctioned loan in favour of the 1st Accused. Hence, the complaint. A case was registered in Crime No.16 of 2019 on the file of the 1st respondent for the offences punishable under sections. 419,465,467,471 and 120B of IPC.

3. The learned counsel for the petitioner submitted that the name of the petitioner is not found in the FIR. During investigation, he has been implicated as Accused. This petitioner is a Assistant Manager of Indian Bank, CMDA Branch, Egmore, Chennai. The 1st accused impersonated the Defacto-complainant and executed a sale deed in respect of the subject property. The first accused availed loan from the petitioner's



Crl.O.P.No.30326 of 2019

branch by depositing Memorandum of Deposit of Title Deed vide Document No.12313 of 2017. As far as this petitioner is concerned, he had verified the document and registered the Memorandum of Deposit in favour of the bank. Later it was found that the parent document produced by the 1st accused to be fake. Therefore, both documents were sent for opinion to the panel advocate. The Panel Advocate by his report stated as follows:

"Our Washermanpet Branch informed that Mr.Tamil Ezhilan, Assistant Manager was issued summon related to a credit facility sanctioned at Villivakkam Branch. On enquiry with Villivakkam Branch it is learnt that Police Authorities visited Villivakkam Branch on 30.03.2019 related to Plot Loan sanctioned to Mr.R.Sugumaran and Mrs.Hemalatha on 12.12.2017 for Rs.18.71 Lakhs for purchasing a plot from Mr.R.Paneerselvam, a resident of TANSI Nagar, Velachery, Chennai. It is learnt that fake/fabricated parent deed was submitted to Villivakkam Branch for



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Crl.O.P.No.30326 of 2019

availing the captioned loan and also the seller was impersonated in the sale deed registration transaction carried out in the SRO, Avadi on 13.12.2017 and the sale deed was registered vide 12313/2017. The borrower Mr.R.Sugumaran had created the MOD for the plot loan sanctioned to him vide Doc.No.12314/2017.

Since the parent deed does not appear to be genuine, we will cancel the MOD registration carried out vide Doc.No.12314/2017. Copy of the opinion on the genuineness of the parent deed furnished by our Panel Advocates viz., Shri.M.L.Sripathi and Shri.A.V.Prakash are enclosed as Annexure A along with the copy of the certified copies of the parent deed (taken from SRO, Avadi) is also enclosed for reference.

However, preliminary investigation reveals that there is no prima facie involvement with fraudulent intention by Mr.Tamil Ezhilan and any of our other Bank Officials.



Crl.O.P.No.30326 of 2019

The matter has been handed over to our Vigilance

Department for Investigation."

4. As far as the petitioner is concerned, no specific averment as alleged in the complaint to attract any of the offences. That apart, while pending this petition, the Defacto-complainant i.e., the 2nd respondent herein submitted a letter to the Commissioner of Police, Avadi dated 05.04.2023 thereby he has forwarded the complaint petition on the ground that the Inspector General of Registration directed the District Registrar to conduct enquiry. During enquiry, it was found that registration has been done with document of Aadhar Card and declared registration was forgery. However the District Registrar directed the Sub-Registrar, Aavadi to add appropriate note that the MOD are done by forgery and no registration done based on the said document. As far as the petition is concerned the impugned FIR cannot be sustained and liable to be quashed.



Crl.O.P.No.30326 of 2019

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5. In view of the above, the entire proceedings in Crime No.16 of 2019 dated 21.01.2019 on the file of the 1st respondent police is quashed as against the petitioner alone and this Criminal Original Petition is allowed. The 1st respondent is directed to complete the investigation and file a final report as against the Accused No.1 to 3 within a period of eight weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

10.11.2023

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



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Crl.O.P.No.30326 of 2019

G.K.ILANTHIRAIYAN, J.

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To

1) The Sub-Inspector of Police,
Central Crime Branch-II,
Chennai.

2) The Assistant General Manager,
Indian Bank,
Villivakam Branch,
No.1 Thirumangalam Road,
Villivakkam, Chennai.

3) The Public Prosecutor,
High Court Madras.

Crl.O.P.No.30326 of 2019

10.11.2023