



Crl.O.P.No.32111 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.32111 of 2022
and Crl.M.P.No.19769 of 2022

Prabhu Jayaraman

... Petitioner

Vs.

1.The Inspector of Police,
Anti-Land Grabbing Special Cell,
Thiruvallur.

2.Balasubramaniam

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records in Crime No.12 of 2019 on the file of the first respondent police and quash the same.

For Petitioner : Mr.Pradeep Jayaraman

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor



WEB COPY



Crl.O.P.No.32111 of 2022

ORDER

The petitioner/A6 has filed this petition to quash the proceedings in Crime No.12 of 2019 on the file of the respondent police.

2.The second respondent/defacto complainant filed a complaint before the learned Judicial Magistrate No.I, Ponneri under Section 200 Cr.P.C. which was forwarded under Section 156(3) Cr.P.C. to the Inspector of Police, SIPCOT Police Station, who on receipt of the same registered a case against the petitioner and six others in Crime No.12 of 2019 for the offence under Sections 468 and 34 of IPC.

3.The gist of the case is that the property in Survey No.13/2 measuring an extent of 1.24 acres in Panapakkam Village was owned by one Chengaiyya Thevar, father of the second respondent and Patta No.172 also stand in the name of second respondent's father. The second respondent's father Chengaiyya Thevar passed away in the year 1974. When his father was alive, one C.R.Santhalingam with illegal motive registered a forged sale



Crl.O.P.No.32111 of 2022

deed dated 31.03.1967 bearing Document No.829 of 1967 as if Chengaiyya Thevar, Ellaiyya Thevar, Balasubramaniya Thevan and Balakrishnan had executed the same in his favour. Using this forged document, A1 had subsequently created a settlement deed in favour of his brother C.R.Loganthan/A2 vide Document No.1357 of 2009 dated 06.03.2009 for 62 cents and for the balance 62 cents, C.R.Santhalingam/A1 executed a settlement deed in favour of his two sons, C.S.Yogendrayya/A3 and C.S.Gunasekar/A4. Thus, thereafter several documents have been created. The primary complaint is that Document No.829 of 1967 is a created document and this document has not been executed by the second respondent's father. Hence, the second respondent lodged a complaint based on which a case has been registered.

4.The learned counsel for the petitioner submitted that the petitioner was born in the year 1983 and a case has been registered against the petitioner as though he forged a document of the year 1967. He would submit that the petitioner is an industrialist, due to the registration of the above case his name got damaged and he is unable to carry out his business



Crl.O.P.No.32111 of 2022

and there have been spokes put into his business activities citing the above case. He further submits that the petitioner purchased the property on 29.08.2016 vide Document No.3353 of 2016 and this is being now projected as though it is a creation following the forged document of the year 1967. He would further submit that the petitioner had never met the defacto complainant and he is not aware about any allegation of the defacto complainant who lodged a complaint nearly after 53 years.

5.Learned Additional Public Prosecutor submitted that on the reference made from the learned Judicial Magistrate No.I, Ponneri, FIR in Crime No.12 of 2019 was registered against seven persons. He would submit that during investigation, the specimen signature of the second respondent was obtained on 10.01.2022 and forwarded the same to Fingerprint Expert along with the disputed fingerprint available in Document No.829 of 1967. Thereafter, a report has been received from the Superintendent of Police [FP], Tamil Nadu Finger Print Bureau in C.No.04/SDFPB/TVLR/POLICE/2023 dated 24.04.2023. A scanned reproduction of the report of the Fingerprint Expert is as follows:



WEB COPY



Crl.O.P.No.32111 of 2022

POLICE DEPARTMENT

From
Superintendent of Police(FP)
Tamil Nadu Finger Print Bureau
No. 95, Santhome High Road
Chennai - 600028.

To
The Deputy Superintendent of Police
Anti Land Grabbing Special Cell
Tiruvallur.

C. No. 04/SDFPB/TVLR/POLICE/2023

DT. 24.04.2023

Sir,

Sub Criminal case - F2 Sipcot PS, Cr.No.12/2019, u/s 468,34 IPC, Tiruvallur District - on the file of the Deputy Superintendent of Police, ALGSC, Tiruvallur - Finger Impressions on the documents - Examination and Comparison - Issuance of Certificate of Finger Print Examination - Forwarded -Regarding.

Ref: Letter in C.No.04/DSP/ALGSC/TVLR/2023 dated 17.04.2023 of ALGSC, Tiruvallur District.

-o/o-

I forward herewith the "Certificate of FingerPrint Examination" of Tr.G.JYYAPPAN, Sub Inspector of Police (FP)/F.P.Expert, who examined and compared the Finger Impressions concerned in this case, together with the Photo enlargements of the Finger impressions marked as "Q" and "S" mounted on sheets of white paper.

The following original documents received here are also returned herewith in a Sealed Cover.

Documents:-

1. Original Registered Sale Deed in Document No.829/1967, dated 04.04.1967 of SRO Ponneri - 2 Sheets.
2. Original Finger Print and Palm Print impressions of C.Balasubramaniam referred in F2 Sipcot PS, Cr.12/2019, U/s.468 IPC r/w.34 IPC of taken by Police Constable, PC.No.1848, ALGSC-Thiruvallur on 10.01.2022 - 05 sheets.

Yours faithfully,

Encl: As above


Superintendent of Police (FP),
Tamil Nadu Finger Print Bureau,
Chennai-28.

KINDLY REFER THIS C. NO. IN ALL YOUR FUTURE CORRESPONDENCE



Crl.O.P.No.32111 of 2022

TAMIL NADU POLICE
CRIMINAL INVESTIGATION DEPARTMENT

FINGER PRINT BUREAU



CHENNAI

CERTIFICATE OF FINGER PRINT EXAMINATION.

CERTIFICATE No.04/SDFPB/TVLR/POLICE/2023

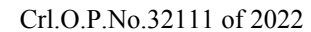
Reference	Cases- Criminal case - F2 Sipcot PS, Cr.No.12/2019, u/s 468,34 IPC of Thiruvallur District - on the file of the Deputy Superintendent of Police, ALGSC, Tiruvallur - Referred in C.No.04/DSP/ALGSC/TVLR/2023 dated 17.04.2023 of ALGSC, Tiruvallur.
Finger Print Questioned	The Questioned left thumb Impression marked as "Q" found against the name of C.Balasubramaniyam on the reverse side of the 1 st sheet of the original Registered Sale Deed in Document No.829/1967 dated 04.04.1967 of SRO Ponneri.
Finger Print Specimen	The Specimen left thumb Impression marked as "S" found on the original Finger Print Search Slip of C.Balasubramaniyam taken by Police Constable, PC.No.1848, ALGSC-Thiruvallur on 10.01.2022 referred in Cr.No.12/2019, U/s.468 IPC r/w.34 IPC of F2 Sipcot PS.

I carefully examined and compared the finger impressions concerned in this case and my opinion is as follows.

OPINION: The Questioned left thumb Impression marked as "Q" found against the name of C.Balasubramaniyam on the original Registered Sale Deed in Document No.829/1967 dated 04.04.1967 of SRO Ponneri is **"IDENTICAL"** with the Specimen left thumb Impression marked as "S" found on the original Finger Print Search Slip of C.Balasubramaniyam.

REASON: The ridge characteristics that are found in the Questioned Left Thumb impression marked as "Q" are found in their same relative positions in the Specimen Left Thumb impression marked as "S" of C.Balasubramaniyam.

For the purpose of demonstration, the Photo enlargements marked as "Q" and "S" were got prepared, affixed in white sheets and have marked eight identical ridge characteristics in red lines and its descriptive particulars are enumerated below for easy reference.



- All the above Eight ridge characteristics available in the Questioned Left Thumb impression marked as "Q" are found in their same relative positions in the Specimen Left Thumb impression marked as "S" of C. Balasubramaniam.

(G.IYYAPPAN)

Sir,

1 Checked, found correct

(J.Nishanthi)

Sub Inspector of Police (FP)/(FP Expert)
Tamil Nadu Finger Print Bureau,
Chennai-28.

Cross Checked and verified

22/11/2024
Addl. Superintendent of Police (FP),
Tamil Nadu Finger Print Bureau,
Chennai -28.

Counter signed, approved and submitted.

Superintendent of Police (JP),
Tamil Nadu Finger Print Bureau,
Chennai - 28.



Crl.O.P.No.32111 of 2022

WEB COPY

THE PHOTO ENLARGEMENT OF THE QUESTIONED LEFT THUMB IMPRESSION MARKED AS "Q" FOUND AGAINST THE NAME OF C.BALASUBRAMANIAM ON THE REVERSE SIDE OF THE 1ST SHEET OF THE ORIGINAL REGISTERED SALE DEED IN DOCUMENT NO.829/1967 DATED 04.04.1967 OF SRO PONNERI.



C.No.04/SDFPB/TVLR/P/2023

District Crime Branch,
16 (ALGSC),
Tiruvallur,
F2 Sipcot PS
Cr.No.12/2019,
u/s 468,34 IPC

S. Prasad
Police Photographer,
T.N.F.P. Bureau,
Tiruvallur.

(G. IYYAPPAN)
Sub Inspector of Police (FP)
/Finger Print Expert,
S.D.F.P. Bureau,
Tiruvallur - 602001



CrI.O.P.No.32111 of 2022

WEB CO

THE PHOTO ENLARGEMENT OF LEFT THUMB IMPRESSION MARKED AS "S"
FOUND ON THE ORIGINAL FINGER PRINT SEARCH SLIP OF
C.BALASUBRAMANIAM TAKEN BY H.VASUDEVAN, POLICE CONSTABLE 184B,
ALGSC-THIRUVALLUR ON 10.01.2022 REFERRED IN CR.NO.12/2019, U/S.468 IPC
R/W.34 IPC OF F2 SIPCOT PS.



No.04/SDFPB/TVLR/P/2023

District Crime Branch
(ALGSC),
Tiruvallur,
F2 Sipcot PS
Cr.No.12/2019,
u/s 468,34 IPC

(S.Prasaad)
Police Photographer,
T.N.F.P. Bureau,
Tiruvallur.

(G.DIVYAPPAN)
Sub Inspector of Police (FP)
/Finger Print Expert,
S.D.F.P. Bureau,
Tiruvallur -602001



Crl.O.P.No.32111 of 2022

6.Learned Additional Public Prosecutor further submitted that from the report of the Fingerprint Expert, it is clear that the fingerprint available in Document No.829 of 1967 is similar to the fingerprint of the second respondent. He further submitted that due to the restriction imposed by this Court on 09.01.2023, final report could not be filed.

7.Considering the submissions made and on perusal of the materials, it is seen that after the report of the Fingerprint Expert, the root of the case itself has been cut. Further, it is seen that investigation is almost completed. In view of the above, the restriction imposed by this Court on 09.01.2023 in Crime No.12 of 2019 is no more required. The respondent police can now file the final report before the concerned Judicial Magistrate within a period of two weeks from the date of receipt of a copy of this order.

8.With the above direction, the Criminal Original Petition is disposed of. Consequently, connected M.P. is closed.

20.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
cse

To

10/12



Crl.O.P.No.32111 of 2022

1.The Inspector of Police,
Anti-Land Grabbing Special Cell,
Thiruvallur.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.32111 of 2022

M.NIRMAL KUMAR, J.

cse

Crl.O.P.No.32111 of 2022

20.06.2023