



CrI.O.P.No. 31584 of 2022

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**T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest at the hands of respondent police for an alleged offence under Sec. 406, 419, 420, 465, 468, 471 and 506(1) of I.P.C. in Crime No.67 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that mother, paternal uncle and the cousin of defacto complainant along with this petitioner's father said to have registered a fake and fabricated Settlement deed dated 16.07.2013 vide document No. 9266 of 2013 in favour of defacto complainant's mother by impersonating her father, who had died on 07.05.2013. Subsequently, the joint family properties belonging to the defacto complainant, his brother and mother were later transferred to third parties through the petitioner taking advantage of defacto complainant's mother's innocence and illiteracy. Hence, the complaint.

3. The learned counsel for the petitioner submitted that admittedly, his father had several property dealings with the defacto complainant and



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his mother, who is the 3<sup>rd</sup> accused in the above case. The agricultural lands situated at Annamalaichery village, Ponneri Taluk, Tiruvallur District comprised in different survey numbers, totally measuring to an extent of 16 acres 88 cents were owned and possessed by different persons. It seems that the 3<sup>rd</sup> accused's husband M.Ramakrishnan had purchased the said property from respective and different owners in and around the year of 2006 under different sale deeds. While so, during the 3<sup>rd</sup> week of July 2013, the petitioner's father came to know in respect of sale of the aforesaid property by the 3<sup>rd</sup> accused through some mediators and upon verification of title deeds, it came to light that the said Ramakrishnan was owner of the said properties and the 3<sup>rd</sup> accused claimed ownership by virtue of settlement deed dated 16.07.2013. Moreover, the petitioner's father had approached the 3<sup>rd</sup> accused not for purchasing the said property on outright sale, but for development of the same by laying the properties into house sites and made part payment also to her. Thereafter, his father requested her to give a power of attorney for carrying out all works in the property, but she refused to give the same to his father. However, she introduced her close relative/5<sup>th</sup> accused and she expressed her will and wish to give joint power of attorney



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in the name of petitioner and J.Sathish, as she wanted to safeguard her interest over the property. Except no other go to agree to her terms, she executed a power of attorney in their favour in respect of the said properties. He would also submit that his father was not known about anything about the settlement deed as on date, but the power of attorney was executed in his favour along with one Sathish, for which, the documents are very much available. Based on that power of attorney given to them, his father has acted and his father has not committed any offence as alleged by the defacto complainant. Furthermore, after execution of power of attorney, the defacto complainant sold one of the property and kept some of the property. Furthermore, petitioner's father has entered his appearance for conducting investigation even though no notice was served on him and for one year, both of them are cooperating with the proceedings. He would also submit that his father has not involved in any transaction pertaining to document No.9266 of 2013, however, the defacto complainant's mother is an educated woman, who has several other properties registered in her name. So, it is false to state that she does not have common basic knowledge. Furthermore, the document was executed by defacto complainant's own close family



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members with full knowledge and convenience of defacto complainant and his family members. He would also submit that the defacto complainant along with his mother have preferred the present false and fabricated complaint in order to harass and extort money from the petitioner and his father and they are hand-in-glove with the respondent police. He would also submit that the respondent police has not arrested the main accused in this case, who is none other than mother of defacto complainant and the person, who impersonated defacto complainant's father. Even if it is assumed that defacto complainant's father died on 07.05.2013, the defacto complainant, his brother and mother are legal heirs of the properties and hence, he has paid the entire sale consideration to them. Hence, he prayed to grant anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for respondent strongly raised objection stating that on the date of alleged execution of settlement deed, the original owner was not alive and in fact, as per investigation, it reveals that the petitioner and his father is close associate of Leela, defacto complainant and they are very well aware that the said Ramakrishnan was died due to road accident on 07.05.2013 and



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the date of execution of power of attorney is on 19.07.2013 and thereafter, it was cancelled on 29.08.2013. On the date of execution of alleged settlement deed dated 16.07.2013 in favour of defacto complainant Leela, the fact reveals that due to road accident, the said Ramakrishnan was died on 07.05.2013. Hence, he prayed to dismiss this petition.

4. Records perused. On a bare perusal of records, it reveals that on the date of execution of alleged settlement deed, the original owner was not alive. Immediately after the registration of settlement deed dated 16.07.2013 the power of attorney was given to the petitioner Mohanasundaram on 19.07.2013. As per the investigation, now the prosecution submitted that Leela, wife of deceased Ramakrishnan was living with her minor sons and she was forced by the petitioner to execute a power of attorney and obtained those documents without her consent. But, the said allegation was strongly denied by the petitioner stating that on perusal of settlement deed, his father entered into power of attorney and they were not aware whether the original owner Ramakrishnan was alive on the date of execution of said document nor they are aware of death of deceased. But, on perusal of facts narrated in



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the reply notice dated 10.05.2021, the petitioner viz., Mohanasundaram

issued a reply in paragraph 2 has stated as follows :-

*“It is also true that your husband met with an accident and when he was undergoing medical treatment, suddenly died on 07.05.2013.”*

So, they were well aware of the fact that husband of defacto complainant viz., Ramakrishnan was died on 07.05.2013 in a road accident. Furthermore, now as per the forensic report issued by the investigation agency, the investigation is completed, which reads as follows :-

*“I have compared the photo copy of left thumb impression of Ramakrishnan taken from the Ponneri Sub-Registrar Office Sale deed document relating to document No.9266/2013 the questioned print marked as 'Q' is Not identical with the photo copy left thumb impression of Ramakrishnan taken from the Ponneri Sub-Registrar Office Sale deed document relating to documents No.6310/2006, the admitted print marked as 'A'.”*



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WEB COPY All the aforesaid facts reveals that there is an impersonation in the document with an intention to grab the property from the original owner. Accordingly, on considering the gravity of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and this Criminal Original Petition is dismissed.

**23.11.2023**

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