



Crl.M.P.Nos.20112 of 2022 & 2616 of 2023 in Crl.O.P.No.15821 of 2022

Crl.M.P.Nos.20112 of 2022 & 2616 of 2023

in

Crl.O.P.No.15821 of 2022

Reserved on 01.03.2023	Pronounced on 10.04.2023
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G.CHANDRASEKHARAN, J.

Crl.O.P.No.15821 of 2022 is filed to call for the records pertaining to the charge sheet in C.C.No.68 of 2022, on the file of the Special Court for Exclusive Trial of Land Grabbing Cases – II, Allikulam, Egmore and quash the same.

2.Crl.M.P.No.20112 of 2022 is filed to pass an order impleading petitioner/proposed third respondent herein as third respondent in Crl.O.P.No.15821 of 2022.

3.Crl.M.P.No.2616 of 2023 is filed to implead petitioner/proposed third respondent as one of the respondents in Crl.O.P.No.15821 of 2022 and Crl.M.P.No.8881 of 2022.



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4.The brief facts of the case are as follows:

One Tmt.Sowmiya, W/o.Late.Gnanashanmugam, No.48/76, Rail Nagar, West Tambaram, Chennai – 600 045, filed a petition before this Court in Crl.O.P.No.3038 of 2015 for registration of complaint. On the basis of the order passed by this Court in Crl.O.P.No.3038 of 2015, dated 27.08.2014, Central Crime Branch registered FIR in Crime No.448 of 2015, for the offences under Sections 419, 465, 467, 468, 471 and 420 IPC r/w 120 (B) IPC against one M.S.Kadirvelu and others. The allegations made in the complaint are that, the land in S.No.405/3, measuring 5.9 acres, at Perungalathur Village, originally belonged to one Kannaiyan S/o.Vellaiyan. One Padmaachariyar purchased this property from Kannaiyan on 11.08.1943 through document No.1861 of 1943. The property in S.No.400, measuring 6.56 acres, at Perungalathur Village, originally belonged to one Ponnusamy and his legal heirs. Padmaachariyar purchased this property on 16.08.1943, in document No.1890 of 1943. Padmaachariyar and his sons, namely, C.P.Vasudevan and C.P.Rangarajan executed power of attorney deed in favour of Tmt.Jayalakshmi Ammal in respect of 'A' and 'B' schedule properties,



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vide document Nos.108 of 1955, 42 of 1955 & 65 of 1955. Jayalakshmi Ammal sold these properties to Nandakumar i.e., 'A' schedule property was sold to him through document No.2954 of 1955 and 'B' schedule property was sold to him through document No.2955 of 1955. These sale deeds were registered in the Sub Registrar Office at Chengalpattu. Nandakumar sold 'A' and 'B' schedule properties to the complainant's husband Gnanashanmugham S/o.Saravanapillai through document No.1664 of 1973. This sale deed was registered in the Sub Registrar Office at Tambaram. Gnanashanmugham died on 27.12.1993. After the death of Gnanashanmugham, complainant settled at Bangalore for several years. Accused M.S.Kadirvelu fabricated, forged the sale deed in document No.1664 of 1973 and got the sale deed executed in his favour in document No.3372 of 1980. Based on the sale deed in his favour, M.S.Kadirvelu sold the property to third parties. Therefore, she gave the complaint.

5.After investigation, first respondent filed a final report against the accused M.S.Kadirvelu and the person, who impersonated as



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Gnanashanmugham, for the offences under Sections 120 B, 419, 465, 467, 468, 471 and 420 IPC. This case was taken on file in C.C.No.68 of 2022, by the Special Court for Exclusive Trial of Land Grabbing Cases – II, Allikulam, Egmore. Challenging the final report, first accused M.S.Kadirvelu, filed a petition in Crl.O.P.No.15821 of 2022 to call for the records pertaining to the charge sheet in C.C.No.68 of 2022, on the file of the Special Court for Exclusive Trial of Land Grabbing Cases – II, Allikulam, Egmore and quash the same. During the pendency of the proceedings, Crl.M.P.No.10207 of 2022 for impleading the defacto complainant, namely, Tmt.Sowmiya as second respondent in Crl.O.P.No.15821 of 2022 and Crl.M.P.Nos.8881 & 8885 of 2022 was filed. That petition was allowed on 19.07.2022 and the defacto complainant, namely, Tmt.Sowmiya was impleaded as second respondent in Crl.O.P.No.15821 of 2022.

6.One Mrs.Sowmiya (Petitioner in Crl.M.P.No.20112 of 2022) claiming herself as wife of Gnanashanmugham, represented by her power agent, V.P.Raman, filed a petition in Crl.M.P.No.20112 of 2022 for



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impleading her as third respondent in Crl.O.P.No.15821 of 2022. She claims that she is the wife of Gnanashanmugham. Gnanashanmugham executed a Will dated 23.01.1980 in respect of the abovesaid properties. After his death on 27.12.1993, she became the absolute owner of his properties and she was in possession and enjoyment of the properties. She was granted patta in patta No.8466 in her name. She found that patta in respect of this property was transferred in the name of M.S.Kadirvelu and therefore, she applied for transfer of patta and chitta in her name to the Revenue Divisional Officer, Tambaram on 05.03.2013. She produced all the original documents before the Revenue Divisional Officer, Tambaram. After enquiry, the Revenue Divisional Officer, Tambaram passed an order dated 10.06.2013 and ordered cancellation of patta in the name of M.S.Kadirvelu and ordered transfer of patta, chitta and adangal in favour of Mrs.Sowmiya. M.S.Kadirvelu is the friend of Sowmiya's husband Gnanashanmugham. Taking advantage of friendship, M.S.Kadirvelu fabricated a false document. Therefore, she preferred a complaint against M.S.Kadirvelu with Central Crime Branch, Chennai, in C.No.142/DC/CCB-II/E-Office/2020 seeking legal action. However, the



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complaint was closed stating that a civil suit is pending in O.S.No.153/2015, on the file of the District Munsif, Tambaram. Once again Mrs.Sowmiya preferred a complaint against M.S.Kadirvelu on 06.02.2022. The complaint was entrusted to the Assistant Commissioner of Police, CCB – II, Tambaram City Police, Chennai – 600 119, to register the FIR. Petitioner filed CrI.O.P.No.24624 of 2022 seeking direction to register the complaint. That was disposed of on 12.10.2022, directing the Assistant Commissioner of Police, CCB -II, Tambaram City Police to enquire the complaint and if any cognizable offence is made out, police is bound to register the FIR. The Assistant Commissioner of Police, CCB - II, Tambaram City Police, communicated a proceedings dated 01.11.2022, stating that already FIR in Crime No.448 of 2015, on the complaint given by Tmt.Sowmiya (second respondent in CrI.O.P.No.15821 of 2022) was registered on 02.11.2015, for the offences under Sections 419, 465, 467, 468, 471, 420 and 120 (b) IPC and final report was filed and taken on file in C.C.No.68 of 2022, on the file of the Special Court for Exclusive Trial of Land Grabbing Cases – II, Allikulam, Egmore. Tmt.Sowmiya (third respondent in



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Crl.M.P.No.20112 of 2022/second respondent in Crl.O.P.No.15821 of 2022) has nothing to do with the property and she is not the real person. Petitioner in Crl.M.P.No.20112 of 2022 is the real Sowmiya. Third respondent in Crl.M.P.No.20112 of 2022 is impersonating as Sowmiya at the instance of M.S.Kadirvelu. Impleading petitioner only appeared before the Revenue Officials and filed W.P.Nos.15531 of 2021 and 27480 of 2022. In the said circumstances, petitioner in Crl.M.P.No.20112 of 2022 has to be impleaded as third respondent in Crl.O.P.No.15821 of 2022.

7. Another impleading petition in Crl.M.P.No.2616 of 2023 was filed by Mr.K.Arjun. This petition is filed stating that the property situated in Survey No.400, Perungalathur Village, Tambaram, Chengalpattu District, Chennai, to an extent of 6.56 acres was purchased by The Tamil Nadu State Accountant Generals Staff Co-operative Building Society from M.S.Kadirvelu, through registered sale deeds in document Nos. 10702/83 and 10707/83 on 24.12.1983, on the file of Sub-Registrar, Tambaram. The said 6.56 acres of land was plotted into 71 housing plots with the permission of the Madras Metropolitan



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Development Authority (MMDA) in permit No.PPD/LO.166/87 D2(L) 12776/87, dated 20.11.1987, through Perungalathur town panchayat proceedings in Na.Ka.316/86/A2. Thereafter, the Society sold the 71 housing plots to various members during the year 1988. All the individual plot owners obtained individual patta in their name and are in possession and enjoyment of the plots from the year 1988 onwards. It is further submitted that 5.09 acres of land in Survey No.405/3 was sold to Chennai Metropolitan Cooperative Housing Society by M.S.Kadirvelu through sale deed in document No.304/2007. It was registered at Sub-Registrar, Padappai. Chennai Metropolitan Cooperative Housing Society plotted 5.09 acres of land into housing plots and sold to its members. Mr.M.Ettiyappan, Revenue Divisional Officer, without any enquiry and investigation, cancelled the patta in respect of 11.65 acres and granted patta in favour of one Sowmiya. Society took steps and brought to the knowledge of the various Government authorities about this illegal act and subsequently, the order of Mr.Ettiyappan, Revenue Divisional Officer was cancelled by the District Revenue Officer. FIR in crime No.26 of 2019 was registered against Ettiyappan and Sowmiya by the



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Vigilance and Anti-corruption police, Alandur for the offences under Sections 34,167, 409, 465, 468 and 471 IPC and sections 13(2) read with 13(1) (c) and (d) of the Prevention of Corruption Act, 1988. Now the petitioner herein came to know about C.C.No.68 of 2022 against M.S.Kadirvelu and impersonator of Gnanashanmugham. As narrated above, the properties (plots) of the Tamil Nadu State Accountant Generals Staff Co-operative Building Society and Chennai Metropolitan Cooperative Housing Society are in possession and enjoyment of their respective members. Any decision made in Crl.O.P.No.15821 of 2022 without considering the petitioner would cause prejudice to the interest of the members of the society. Therefore, this impleading petition.

8.When the matter was taken up for hearing, Mr.P.Sivamani, the learned counsel for Chennai Metropolitan Cooperative Housing Society appeared before this Court on 24.02.2023 and he submitted that the disputed property was purchased by the Society from Kadirvelu. He also produced the original sale deed in favour of Gnanashanmugam for the perusal of this Court. On finding that there are three original sale deeds



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said to have been executed by Nandakumar in favour of Gnanashanmugam and the claim that Chennai Metropolitan Cooperative Housing Society purchased a portion of the property, this Court directed *suo motu* the impleadment of the Chennai Metropolitan Cooperative Housing Society. Accordingly, Chennai Metropolitan Cooperative Housing Society was impleaded as third respondent in Crl.O.P.No.15821 of 2022.

9.Petitioner in Crl.O.P.No.15821 of 2022, namely, M.S.Kadirvelu is represented by Mr.N.Harihara Nair. First respondent is represented by Mr.S.Santhosh, Government Advocate (Crl side). Second respondent Tmt.Sowmiya is represented by Mr.John Sathyan, Senior Counsel, third respondent is represented by Mr.P. Sivamani. Petitioner in Crl.M.P.No.20112 of 2022 is represented by Mr.Rupert J.Barbanas for Mr.J.Selvarajan. Petitioner in Crl.M.P.No.2616 of 2023 is represented by Mr.G.Ravikumar.

10.Heard the learned counsel appearing for the parties and perused the records.



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11.The learned counsel for the petitioner in Crl.M.P.No.20112 of 2022 submitted that the sale deed produced by petitioner in Crl.O.P.No.15821 of 2022 in document No.1664 of 1973 was registered at North Madras, which has no jurisdiction for registration of the sale deed. Whereas, petitioner produced the sale deed in document No.1664 of 1973, which was registered in Tambaram, which alone has the jurisdiction to register the sale deed. M.S.Kadirvelu filed Crl.O.P.No.15821 of 2022 before this Court for quashing of FIR. FIR seems to have been registered on the basis of the complaint given by second respondent Sowmiya, who is a fake and fictitious person. By not registering the FIR on the basis of the order passed by this Court in Crl.O.P.No.24624 of 2022, respondent police violated the order of this Court. In fact, the Assistant Commissioner of Police has some personal interest in this property and he wanted the impleading petitioner to meet a property builder to resolve the issue. Police officials are colluding with each other and helping M.S.Kadirvelu and second respondent Sowmiya. This case has to be investigated by CBI for finding out the truth.



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12.The learned counsel for the second respondent in Crl.O.P.No.15821 of 2022 submitted that second respondent is the true Sowmiya and she is the wife of the deceased Gnanashanmugham. Only on the basis of the complaint filed by second respondent, FIR in Crime No.448 of 2015, for the offences under Sections 419, 465, 467, 468, 471 and 420 IPC r/w 120 (B) IPC came to be registered and after filing of final report, the case is pending in C.C.No.68 of 2022. She had taken steps for getting patta in her name and initiated various Writ proceedings. The petitioner in Crl.M.P.No.20112 of 2022 is set up by her power agent V.P.Raman and others and she is fake. The allegations made against the investigating officer is unfounded. There is no need to transfer the investigation in this case. Second respondent *prima facie* established that she is the wife of Gnanashanmugham. She got title to the property through the Will executed by the deceased Husband Gnanashanmugham. M.S.Kadirvelu created fabricated and forged sale deed in his favour and sold the properties to third parties. Thus, he prayed for dismissal of Crl.O.P.No.15821 of 2022.



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13.As stated earlier, the learned counsel for the petitioner in CrI.M.P.No.2616 of 2023 submitted that the members of the Society and the members of the Chennai Metropolitan Cooperative Housing Society are now in possession and enjoyment of the respective plots. There is a criminal case in Crime No.26 of 2019 pending against Ettiyappan and Sowmiya. He also produced the copies of the patta issued in favour of the members of the association.

14.It is the submission of the learned counsel for the petitioner in CrI.O.P.No.15821 of 2022 that the sale deed produced in document No.1664 of 1973 has a stamp value of Rs.1865/- The registered copy of the sale deed also confirms that the stamp duty was paid for Rs.1865/- On the other hand, the sale deed produced by second respondent has a stamp value of Rs.2065 and the sale deed produced by petitioner in CrI.M.P.No.20112 of 2022 has a stamp value of Rs.2105/- The stamp paper numbers found in the sale deed produced by the petitioner tally with the registered copy of the sale deed, but it differ with the sale deeds produced by the second respondent and the petitioner in



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Crl.M.P.No.20112 of 2022. The copy of the thumb impression register produced shows that Nandakumar refused to affix his thumb impression. In the sale deed produced by the petitioner, there is no thumb impression. However, in the sale deed produced by second respondent and petitioner in Crl.M.P.No.20112 of 2022, thumb impressions of Nandakumar is available. The signature of the Sub Registrar and witnesses differs between these documents. In the last page of the sale deed produced by the second respondent, the following words are typed. “Typed by Gnana shanmugham”. This is not there in the sale deed produced by petitioner.

15.He further submitted that petitioner Kadirvelu is the brother of Gnanashanmugham. In support of his case, copy of the partition deed dated 22.12.1971 executed among Gnanashanmugham with M.S.Kadirvelu and others are produced. Gnanashanmugham's wife's name is Kamala and mother's name is Krishnammal. Gnanashanmugham died on 16.02.1990, but second respondent and petitioner in Crl.M.P.No.20112 of 2022 claim that he died on 27.12.1993. The Will through which second respondent and petitioner in Crl.M.P.No.20112 of



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2022 claim right in the property is an unregistered Will. This Will is not probated so far and therefore, either second respondent or petitioner in Crl.M.P.No.20112 of 2022 can claim right in the property. If the terms of the Will is taken as true, Sowmiya was only 12 years old when she became the concubine of Gnanashanmugham. Sowmiya claims that she met Gnanashanmugham in 1980 and then married him, but in the Will Sowmiya was referred as ஆசை நாயகி. Patta granted in favour of Sowmiya was subsequently cancelled by the District Registrar.

16.The learned Government Advocate (Crl.Side) submitted that the second respondent filed Crl.O.P.No.3038 of 2015 for registering the complaint. On the basis of the order passed by this Court, in Crl.O.P.No.3038 of 2015, dated 27.08.2014, FIR in Crime No.448 of 2015, for the offences under Sections 419, 465, 467, 468, 471 and 420 IPC r/w 120 (B) IPC was registered and investigated by the Central Crime Branch. Another Sowmiya filed impleading petition in Crl.M.P.No.20112 of 2022 claiming that she is the defacto complainant. In the light of the rival claims made by second respondent Sowmiya,



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impleading petitioner Sowmiya and that there are three original sale deeds said to have been executed by Nandakumar in favour of Gnanashanmugham produced before this Court, it is necessary that further investigation has to be conducted in this case.

17.Considered the rival submissions and perused the records.

18.From the submissions of the learned counsel appearing for the parties and the materials produced, the following facts would emerge.

(i) There are three original sale deeds with the same document number viz., 1664 of 1973, executed by G.Nandakumar in favour of Gnanashanmugham are produced before this Court.

(ii) There are two ladies, who claim themselves as Sowmiya, wife of Gnanashanmugham.

(iii) There is a contradiction in the date of death of Gnanashanmugham. Petitioner claims that Gnanashanmugham died on



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16.02.1990, whereas second respondent and impleading petitioner in CrI.M.P.No.20112 of 2022 claim that Gnanashanmugham died on 27.12.1993.

(iv) Petitioner M.S.Kadirvelu claims Gnanashanmugham as his own brother. In support of his submission, he produced the copy of the partition deed and copy of the legal heirship certificate.

(v) In the sale deed produced by petitioner, there is no thumb impression of G.Nandakumar. On the other hand, in the sale deeds produced by second respondent and impleading petitioner in CrI.M.P.No.20112 of 2022, thumb impression of G.Nandakumar is available.

19. This Court infact was perplexed, rather astonished on seeing three original sale deeds in respect of the same property executed between same persons on the same date with same document numbers. It is claimed by the learned counsel for the impleading petitioner in CrI.M.P.No.20112 of 2022 that the sale deed produced by petitioner was



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registered at North Madras. The sale deed produced by the second respondent was registered at Tambaram. The sale deed produced by the impleading petitioner in Crl.M.P.No.20112 of 2022 was registered at Tambaram. Both Sowmiya claim that they are the wife/concubine of Gnanashanmugham and they instituted various proceedings for getting patta. These claims can be resolved only if the case is re-opened for the purpose of further investigation on the issues discussed above. Else, it would be very difficult to find out the truth. It is certain that out of the three sale deeds, two sale deeds are forged and fabricated sale deeds, only one sale deed must be real and genuine. To find out the real and genuine sale deed, all the three original sale deeds must be subjected to forensic analysis by the forensic department with an assistance from the registration department, especially, the Sub Registrar Offices where the sale deeds were registered. The original registers and thumb impression registers should be analysed for the purpose of comparison and to find out the true sale deed.



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20.It is relevant to refer here the judgment of the Hon'ble Supreme Court in ***Kishan Lal Vs. Dharmendra Bafna and another*** reported in **(2009) 7 SCC 685** with regard to the scope of further investigation. The relevant portion of the judgment is extracted hereunder:

16.The investigating officer may exercise his statutory power of further investigation in several situations as, for example, when new facts come to his notice; when certain aspects of the matter had not been considered by him and he found that further investigation is necessary to be carried out from a different angle(s) keeping in view the fact that new or further materials came to his notice. Apart from the aforementioned grounds, the learned Magistrate or the superior courts can direct further investigation, if the investigation is found to be tainted and/or otherwise unfair or is otherwise necessary in the ends of justice.

21.It is also required that a further investigation should be conducted to find out the claim of two Sowmiya', namely, second respondent and petitioner in CrI.M.P.No.20112 of 2022, as to whether they were really the wife/concubine of deceased Gnanshanmugham. Assuming that Gnanashanmugham had married or kept them as



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concubine, he could have married only one of them i.e., either second respondent or petitioner in Crl.M.P.No.20112 of 2022. One must be a fake and dubious person and also an impersonator. This aspect has also to be necessarily investigated. Before closing, it is necessary to record the proceedings that had taken place during the hearing of this case. When the matter came up before this Court on 06.02.2023, this Court had minuted the following order.

Today, the petitioner in impleading petition is present before this Court. When this Court asked the petitioner in impleading petition what is the date of her marriage with her husband S.Gnanashanmugam, she said that she was married to him in the year 1972 in a house. She did not remember the date and month of the marriage. When she was asked about the details of the complaint given, she said that she suffered head injury and she is not able to recollect and remember anything with regard to the details of the complaint as to whether she directly gave the complaint and the same was registered or obtained orders from this Court for registration of the complaint. However, this Court finds from the FIR that FIR was registered on the basis of the directions obtained from this Court in Crl.O.P.No.3038 of 2015.



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2.The learned Government Advocate (Crl.Side) submitted that as per the proceedings dated 23.01.2023, notice had been sent to the petitioner in impleading petition for her appearance and enquiry on 03.02.2023 at 2 P.M. Notice was received by one Senthilkumar, brother of her care taker Ms.Akila. Even after receipt of the notice, she did not appear for enquiry.

3.When queried about her failure to appear before the Inspector of Police, Vepery, Chennai, for enquiry on 03.02.2023, the petitioner in impleading petition stated that she was not taken for enquiry by her care taker. She could not move around without anyone's support.

4.The learned Government Advocate (Crl.Side) is directed to file a status report on the development that had taken place after filing of the quash petition. Considering the age of the petitioner in impleading petition, the respondent police, on giving advance intimation, is directed to visit the house of the petitioner in impleading petition, preferably with a woman police official and make necessary enquiry in the manner known to law.



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5. In the light of the above narrated facts, this Court directs the petitioner in impleading petition to file the identity cards, like, Aadhar Card, Voter ID, Ration Card, etc., for verification by this Court to establish her identity. The petitioner and the second respondent in the quash petition are not present despite the specific directions by this Court on 23.01.2023 for their appearance. Post the matter on 13.02.2023 for appearance of the petitioner and second respondent in the quash petition. Second respondent is also directed to produce necessary identity cards to establish her identity.

Again, when the matter was taken up on 13.02.2023, 21.02.2023, 22.02.2023 & 24.02.2023, this Court had minuted as follows:

Order dated 13.02.2023.

Heard the learned counsel for the petitioner in impleading petition in Crl.M.P.No.20112 of 2022 in Crl.O.P.No.15821 of 2022, learned counsel for the 2nd respondent and learned Government Advocate (Crl.side).

2. The issue here is whether 2nd respondent P.R.Sowmiya is the de-facto complainant or petitioner in the impleading petition G.Sowmiya is the de-facto complainant.



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3. *This court, when the matter was taken on 06.02.2023 directed the petitioner in impleading petition and 2nd respondent to produce documents like identity cards, Aadhar Card, Voter ID, Ration Card etc., to establish their identity. The learned Government Advocate (Crl.side) was also instructed to verify the genuineness of the claim made by the petitioner in impleading petition and the 2nd respondent. In pursuance to that, status report is filed today, wherein it is stated that one Jovita Rajesh claims to be the daughter of impleading petitioner gave a statement that her mother's name is not Sowmiya and her father's name is Fathima Raj. Her mother was kept under the custody of one Akila and Raman and she is doing what is directed to her by them. Because of her old age, she acts as directed by Akila and Raman without realizing what she was doing. Her mother's name is Christy Raj.*

4. *This Court enquired second respondent P.R.Sowmiya as to the date of her marriage, place of marriage, place of residence, date of death of Gnanashanmugam, she answered that her marriage with Gnanashanmugam was celebrated at Vadapalani Kovil on 18.03.1980 and it was a love marriage, they were living at*



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No.12, T.P.Kovil Lane, Triplicane, Ice House, Police Quarters and after marriage they were living at No.12, Kodambakkam Bharadeeshwarar Colony and Gnanashanmugam died in 1993. When this Court asked whether she has any proof for her residence, she answered that documents had been lost and no complaint in this regard was given to the police. She stated that no photo was taken with Gnanashanmugam and her marriage with Gnanashanmugam was not registered.

5. Both the parties i.e., impleading petitioner and 2nd respondent filed a copy of the Aadhar card bearing No.7442 7782 3020. Though the number of the Aadhar card is identical, the photos are different. The status report shows that both Sowmiya's were directed to appear before the E-Seva centre for verification of genuineness of the Aadhar Card. The impleading petitioner G.Sowmiya declined to appear for verification. The 2nd respondent's fingerprint was authenticated during the verification and validated. Therefore, the respondent police has filed a status report stating that Aadhar card provided by G.Sowmiya is a fabricated Aadhar card.



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6. *This status report is challenged by the learned counsel for the petitioner in the impleading petition stating that police is not authorized to conduct such verification. It is only the Government of India, which can say anything about the genuineness of the Aadhar card. In absence of a report from the Government of India, we cannot act on the status report filed by the respondent police. His further submission is that all original documents of the properties concerned in the criminal case are under the custody of the impleading petitioner.*

7. *In light of the submissions made, this court directs the impleading petitioner and the 2nd respondent to file an affidavit along with the self attested coloured xerox copies of whatever documents they are in possession in support of their claim. The learned counsel for the petitioner in Crl.O.P.No.15821 of 2022, if needed, can produce additional documents in support of his claim that petitioner is the brother of Gnanashanmugam.*

8. *Post on 21.02.2023.*



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Order dated 21.02.2023:

Today, petitioner in impleading petition is present before this Court. The learned Government Advocate (Crl.Side) produced photographs and ration card of the impleading petitioner. When this Court asked the petitioner in impleading petition about the photograph, she said that the man who is captured in the photograph is the person with whom she lives now. His name is Fathima Kulandhai Raj. Other two persons are the daughter in law and son of Fathima Kulandhai Raj. She further stated that from 1993 to till now she is living with Fathima Kulandhai Raj as husband and wife in Coimbatore. She again stated that she was living with Fathima Kulandhai Raj at Perumal Nagar, Kovaipudur from 1997 till 2013. She retracted this statement and stated that till now she is living as wife of Fathima Kulandhai Raj in Coimbatore. She also stated that she has no children through Fathima Kulandhai Raj.

2.Heard the learned counsel appearing for the parties. Today, as directed, the learned counsel for the impleading petitioner filed colour xerox of the title deeds in support of impleading petitioner's claim that she is the owner of the property in dispute. From the documents produced, this Court finds that a sale deed was executed by



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G.Nandakumar in favour of Gnanashanmugam in document No.1664 of 1973. Both impleading petitioner and the second respondent produced the original of the sale deed. This Court fails to understand as to how it is possible to have two original sale deeds in respect of a single property. That apart, it is the submission of the learned counsel for the petitioner in Crl.O.P.No.15821 of 2022 that both sale deeds produced are forged and fabricated sale deeds. The real and original sale deed is in the custody of Chennai Metropolitan Building Society. In support of his submission, he stated that the vendor Nandakumar has not affixed his thumb impression in the Register meant for registration of sale deeds. A copy of the thumb impression register is also produced for the perusal of this Court. This Court is of the view that this aspect has to be deeply investigated by the respondent police.

3.When this matter is heard, it is brought to the notice of this Court that one more impleading petition in Crl.M.P.No.2616 of 2023 is filed by K.Arjunan, President, AGS Colony, Residents Welfare Association Perungalathur, West Tambaram, Chennai 600 045. This petition is likely to be listed tomorrow. Therefore, post the matters on 22.02.2023 and also Crl.M.P.No.2616 of 2023 for further hearing at 2.15 P.M.



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Order dated 22.02.2023:

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Heard the learned counsel for the petitioner in both the impleading petitions and the learned Government Advocate (Crl.Side).

At request of the learned counsel for the petitioner in main petition, post the matters on 24.02.2023 at 2.15 p.m. for continuation.

Order dated 24.02.2023

When the matter is taken up, Mr.P.Sivamani, learned counsel for the Chennai Metropolitan Co-operative Housing Society Ltd., is present before this Court. He stated that he was informed by the impleading petitioner in Crl.M.P.No.2616 of 2023 that proceedings are going on before this Court with regard to purchase of the property by Gnanashanmugam from Nandakumar. It is now claimed by Mr.P.Sivamani that the Society purchased the property purchased by Gnanashanmugam from Nandakumar. The original sale deed in favour of Gnanashanmugam is also produced for the perusal of this Court. As of now, we have three original sale deeds in respect of the same property said to have been executed by Nandakumar in favour of Gnanashanmugam. Therefore, this Court is of the considered view that the Chennai



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Metropolitan Co-operative Housing Society Ltd., is absolutely a necessary party for adjudication of these matters and this Court suo motu impleads the Chennai Metropolitan Co-operative Housing Society Ltd., No.50, Ritherdon Road, Vepery, Chennai 600 007 as respondent in these petitions.

2.Registry is directed to carry out the necessary amendment in these petitions and post the matter on 01.03.2023 at 2.15 p.m. for completing the submissions of the learned counsel appearing for the parties.

22.From the abovesaid minutes, it is apparent that impleading petitioner in Crl.M.P.No.20112 of 2022 is now living with Fathima Kulandhai Raj. Records produced clearly show that only on the basis of the orders passed by this Court in Crl.O.P.No.3038 of 2015, FIR in Crime No.448 of 2015, for the offences under Sections 419, 465, 467, 468, 471 and 420 IPC r/w 120 (B) IPC came to be registered. Investigation is completed, final report is filed and the matter is pending for trial. Impleading petitioner had joined in mid way and claims herself as



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wife/concubine of Gnanashanmugham. It is apparent that some persons with vested interest are behind both Sowmiya's and both are dancing to the tunes of their handlers. As indicated earlier, there are three original sale deeds bearing same sale deed number for the same property executed between the same persons. There is a contradiction with regard to the date of the death of Gnanashanmugham as claimed by both Sowmiyas and petitioner Kadirvelu, who claims as the brother of Gnanashanmugham. All these factors have to be necessarily investigated as indicate above. For the limited purpose of further investigation to unravel the truth, this Court allows both the impleading petitions. Therefore, Registry is directed to implead the petitioner in Crl.M.P.No.20112 of 2022 as fourth respondent and petitioner in Crl.M.P.No.2616 of 2023 as fifth respondent in the quash petition.

23.Considering the vexatious and complicated issues involved in this case, this Court deems it fit that this case should be further investigated by a Special Team to be formed by the Additional Director General of Police, CBCID. The Additional Director General of Police,



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CBCID is directed to constitute a special team consisting of Deputy Superintendent of Police, Inspector of Police, Sub Inspector of Police and necessary other police officials for the purpose of further investigation of this case. After the completion of the investigation, the investigation officer should file additional/supplementary final report before the concerned learned Judicial Magistrate for further necessary action. As already indicated, out of the three sale deeds, two must be forged and fabricated sale deeds. Out of the two Sowmiya, both may be fictitious/dubious persons or one of them may be fictitious/dubious person. Whatsoever may be the case, necessary legal action must be taken against the persons who had forged and fabricated the sale deed and impersonated as Sowmiya by adding them as accused in this case.

24.Post the matter after one month for reporting compliance.

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10.04.2023



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G.CHANDRASEKHARAN , J.

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Pre-Delivery Order in
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