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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP (MD) No.545 of 2022

and

Crl.MP (MD) No.417 of 2022

Meenachi Sundaram : Petitioner/A2

Vs.

1.The State,
rep. by its Inspector of Police,
Central Crime Branch (ALGSC),
Madurai City. : R1/Complainant

2.B.K.Gopilal : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in Crime No.40 of 2021 on the file of the 1st respondent, dated 17/12/2021 and quash the same as illegal with regard to the petitioner alone and to pass such other or other orders.

For Petitioner : Mr.B.Muneeswaran

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For 2nd Respondent : Mr.K.Vijayanand

**ORDER**

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This criminal original petition is filed seeking quashment of the FIR in Crime No.40 of 2021 on the file of the 1st respondent, dated 17/12/2021.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he purchased the property in Survey No.59/8B measuring 0.09.0 Ares, on 25/04/1990 from one Syed Abuthakir Hussain and he constructed a house and residing there for about 30 years. Originally, the property belongs to one Pandiyan ancestrally. He sold the property to one Periya Alagiammal, on 29/09/1973. She died, on 31/02/1977. After her death, he as well as the legal heirs is in possession of the property. The vendor of the de-facto complainant namely Syed Abuthakir Hussain purchased a portion of the property situated in the above said legal heirs of the Periya Alagiammal. He plotted the property into house sites and sold to various persons as detailed in the plan. Some people made enquiry on the site stating that they are going to take steps by changing of patta. On enquiry, it was found that the property patta was transferred in the name of one Raja



Selvaraj. On further enquiry, it reveals that the above said Raja Selvaraj was involved in land grabbing activities and on false information, he has changed the patta in his name. On the basis of the above said occurrence, a case in Crime No.40 of 2021 was registered for the offences under section 465, 468, 471, 166 and 218 and 506(i) IPC.

3. Seeking quashment of the same, this petition has been filed by this petitioner/A2 on the ground that he was working as Tashildhar, during the relevant time. On the basis of the report submitted by the Village Administrative Officer and the Revenue Inspector, he ordered transfer of patta; Since, the second respondent namely the de-facto complainant is a stranger to the property, no notice was issued to him. If the de-facto complainant got any grievance, he ought to have filed appeal as per the provision of the Patta Passbook Act; He only acted in the official capacity without any ill motive; In Cr1.OP(MD)No.19084 of 2021, it has been specifically observed by this court that the second respondent submitted that there is no proposal to register any FIR against this petitioner.



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4. Heard both sides.

5. The 2nd respondent has also filed a counter.

6. It is a case of alleged forgery and falsification of records, criminal intimidation, causing allegation against this petitioner/A2 by joining hands with A1. He created and forged the official records.

7. A simple answer to the above said charge is that the petitioner was acting only as per the provisions of the Patta Passbook Act and transferred the patta in the name of A1, on the basis of the recommendation made by the respective Village Administrative Officer and the Revenue Inspector. He had no personal interest or motive against A1.

8. No doubt that this petitioner has discharged his official duty as a Tasildhar. But whether, he followed the proper procedure, while enquiring the above said matter is a fact, which got to be properly enquired by the Investigating Officer.



9.The 2nd respondent has filed typed set of papers stating that this petitioner is continuously engaged in such illegal activity, over which several pattas issued by him, were cancelled.

10.Perusal of the CD file shows that during the course of investigation, the Village Administrative Officer has given a statement that a report was prepared under the compulsion and dictation of this petitioner and the co-accused. The patta, which was issued by this petitioner, later came to be cancelled by the Tahsildhar. This observation to the effect that by using the similarity of the father's name, the above said transfer of patta was issued in the name of A1 by this petitioner.

11.Against the above said order before the RDO, VAO and the de-facto complainant and A1 were enquired. There is a clear finding to the effect by utilizing the similarity of the father's name, without any proper document, transfer of patta order has been obtained.

12.Similarly, a case was also registered against



13. Even though, the learned counsel appearing for the petitioner would submit that this petitioner discharged his official duty by following the provisions of the Patta Pass Book Act, I find no reason to entertain this petition, since the investigation is pending and only at the conclusion of the investigation, the truth will come out.

14. So, I am of the considered view that this is too a premature stage to quash the proceedings. Absolutely, I find no reason to entertain this petition.

15. In the result, this criminal original petition is **dismissed**. But however, considering the oldness of the crime, there shall be a direction to the first respondent herein to complete the investigation process and file a final report before the concerned jurisdictional court within a period of three months from the date of receipt



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of a copy of this order. If the petitioner is still aggrieved over the contents of the final report, he can approach the appropriate forum in the manner known to law.

16. With the above said direction and liberty, this criminal original petition stands **dismissed**. Consequently, connected Miscellaneous Petition is closed.

23/06/2023

Index: Yes/No
Internet: Yes/No
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To,

1. The Inspector of Police,
Central Crime Branch (ALGSC),
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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Cr1.OP(MD)No.545 of 2022

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