



Crl.R.C.(MD).No.64 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.64 of 2023

Margret

... Petitioner/Complainant

Vs.

1. The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Thoothukudi,
Thoothukudi District.

... 1st Respondent/ Respondent

2. Kulanthai Theres

3. James Xavier Raj

4. Muthu Nadar

5. K.Rajkumar

6. Maria Arul Manohar

... Respondents / Accused

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order dated 25.07.2022 passed in Cr.M.P.No.503 of 2022 on the file of the learned



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Judicial Magistrate, (Special Court for Land Grabbing Cases), Thoothukudi,
Thoothukudi District.

For Petitioner : Mr. Ilayaraja.R

For Respondent : Mr. Sakthi Kumar.M
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed to call for the records and set aside the order dated 25.07.2022 passed in Cr.M.P. No.503 of 2022 on the file of the learned Judicial Magistrate, (Special Court for Land Grabbing Cases), Thoothukudi, Thoothukudi District.

2. Facts in brief:

The revision petitioner has filed the petition under Section 156(3) of Cr.P.C. before the trial Court with the following allegations:

The revision petitioner's father namely Siluvai Anthony, who is aged about 86 years now and he purchased the property out of his income, derived from the ancestral properties and from the salary of the revision



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petitioner and they were enjoying jointly. The father of the revision petitioner affected from Diabetes for about 30 years and apart from that heart ailments, amnesia, alzheimer, extra, he was bed ridden and he was not able to look after his daily natural call itself. He was under the care of the first accused. The accused No.1 and 2 knowing fully well that the property belongs to joint family and father is in disabled condition, took the father under the guise of attending pension enquiry, obtained settlement deed on 12.10.2021. Over the above said, she lodged a complaint before the Anti Land Grabbing Cell, but no proper action was taken. So, the above said petition has been filed.

3. On considering the petition, the trial Court found that it is the civil dispute between the brother and sisters, so, on that ground, it was dismissed, against which, this revision has been preferred.

4. At that time of enquiry, the learned Public Prosecutor required to produce entire enquiry file with regard to the complaint that was given by the petitioner to the Superintendent of Police, extra. The learned Public Prosecutor also produced the enquiry file.



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5. Perusal of the enquiry file shows that the enquiry was undertaken over the complaint that was given by the petitioner before the respondent Police in C.No.612 of 2021 and the enquiry was undertaken on various dates. Out of the enquiry, it was found that the above said settlement deed executed by the father of the revision petitioner out of his own will. There is no truth in the allegation. The father of the revision petitioner namely Siluvai Anthony is appeared before the respondent Police and gave a statement that he was taken care by the first accused namely Kuzhanthai Therus and due to her position only, he executed the above said settlement deed. Reading of this statement shows that allegation of the petitioner that it was obtained by playing fraud is not true. When this was pointed out to the learned counsel for the revision petitioner, he submitted that he is ready to prove the physical and mental capacity of the father before the Court at that time of the trial. When the matter was reserved for order, he immediately filed a petition seeking appointment of commissioner, to notice the physical and mental capacity of the father, but that petition was not numbered, on the ground that no such step is permissible under law.

6. Person who executed the settlement deed is alive and also admitting the execution. If the petitioner says that there is some



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circumstances to doubt the genuineness of the document, so she can very well maintain proper civil proceedings and not criminal proceedings. So, it is the clear case of abuse of process of the Court.

7. Further perusal of CD file shows that on behalf of the father of the revision petitioner and this first accused, one Hari, Advocate, gave notice to the Inspector of Anti Land Grabbing Cell, setting out the facts and circumstance, under which, the above said settlement deed was executed. In such circumstance, I find no reason to interfere with the order that was passed by the trial Court.

8. Accordingly, the criminal revision Case fails and is dismissed.

16.02.2023

NCC :Yes / No
Index : Yes / No
Internet : Yes / No
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G.ILANGO VAN,J.

Indu

To

- 1.The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Thoothukudi,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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