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Crl.O.P.No.7597 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.7597 of 2022

and

Crl.M.P.No.4386 of 2022

1.Ramiah
2.Rajendran
3.M.Venkatesan

... Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
18th CCB Team,
Vepery, Chennai-600 007.
Crime No.286 of 2015.

2.Palani

... Respondents

(Cause title amended as per order dated 14.11.2022 in Crl.M.P.No.16338 of 2022 in O.P.No.7597 of 2022)

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in connection with C.C.No.52 of 2022 on the file of Land grabbing II (CBCID cases) Metropolitan Magistrate, Allikulam, Chennai and quash the same.



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For Petitioners : Mr.V.Kumaresan, representing counsel,
for Mr.K.Nagarajan
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the C.C.No.52 of 2022 on the file of Land grabbing II (CBCID cases) Metropolitan Magistrate, Allikulam, Chennai, in which cognizance was taken for the alleged offence punishable under Sections 419, 420, 465, 467, 468 & 471 r/w 120B of IPC, against the petitioners.

2. The case of the prosecution is that the defacto complainant one Palani son of Subramani lodged a complaint on 23.07.2015 stating that the Joint patta issued in favour of one Subramani Chettiar and his brother one Ram Chetty @ Kothandaram bearing S.No.74 / 5A the said property is anstral property. The defacto complainant fore father Ram Chettiar @ Kothandaram died on 08.02.1990, thereafter, the deceased legal heirs and they were entered into partnership deed on 31.07.1991 (Koora Chit) in this partition the defacto complainant owned 75 cents of property and the same is in his possession and enjoyment. In the mean while on 05.02.2000



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entered a General Power of Attorney executed by the defacto complainant's father and Ramu @ Kothandaraman in favour of Ramaiyah, but, the defacto complainant's father died in the year 1990 and the said power of attorney is fake and forged one.

3. The learned counsel for the petitioners submitted that the defacto complainant and the petitioners are compromised on 25.09.2017. After the compromise arrived between them, the 1st petitioner registered the sale deed document No.7573 of 2017 in favour of Subramani's legal heirs and the said properties are owned by the petitioners. Hence, as per the compromise the said sale deed registered in Survey No.57/1.A measuring about 19 cents and Survey No.571 B, measuring about 17 cents totally 36 cents are given to the defacto complainant and other legal heirs of Subramaniam. He further submitted that the petitioners approached this Court to quash the C.C.No.52 of 2022 on the file of Land grabbing II (CBCID cases) Metropolitan Magistrate, Allikulam, Chennai.

4. The learned Government Advocate (CrI.Side) submitted that there are totally 6 accused in which the petitioners are arrayed as A1 to A3. He



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further submitted that the 2nd respondent is the owner of the property, the defacto complainant's father died in the year 1990, by way of impersonation the petitioners and other accused persons created the forged Power of Attorney in the year 2000 and executed in their favour and sold on 05.02.2000, and it needs detailed investigation. Based on the complaint lodged by the defacto complainant, FIR has been registered in Crime No.286 of 2015 pending investigation on the file of the 1st respondent police, in which cognizance was taken for the offence punishable under Sections 419, 420, 465, 467, 468 & 471 r/w 120B of IPC, in C.C.No.52 of 2022 on the file of the CCB /CBCID Metropolitan Magistrate, Allikulam, Chennai against the petitioners. Hence, he opposed to quash the proceedings against the petitioners.

5. On considering the facts and circumstances, and also considering the submissions made by both side counsels, and it is the case of impersonation and fabrication of documents and it needs detailed investigation, hence this Court declines to quash the proceedings in C.C.No.52 of 2022 on the file of Land grabbing II (CBCID cases) Metropolitan Magistrate, Allikulam, Chennai. If at all any compromise



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arrived between the parties, and they are entitled to work out their remedy before the trial Court in the manner known to law.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

11.03.2024

Index: Yes/ No

Neutral Citation: Yes/No

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To

1.The Inspector of Police,
18th CCB Team,
Vepery, Chennai-600 007.
Crime No.286 of 2015.

2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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