



Crl.O.P.No.10961 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :17.10.2024

Pronounced on :22.10.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10961 of 2023

and

Crl.M.P.Nos.6907, 6909 of 2023 and

Crl.M.P.No.13347 of 2024

1.Dr.C.Satyakumar
2.Dr.Swarnakumari
3.S.Ravi Chitturi

.. Petitioners

/versus/

1.State by
Inspector of Police,
Central Crime Branch, (Land Grabbing Cell),
Egmore, Chennai.

2.Dr.C.S.Prasad

3.Dr.Ranjith Chittoori
(R3 impleaded as per order dated 25.09.2024
in Crl.M.P.No.13345 of 2024 in
Crl.O.P.No.10961 of 2023)

.. Respondents



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Criminal Original Petition has been filed under Section 482 of Cr.P.C.,praying to call for the records pertaining to the case pending trial in C.C.No.2 of 2023 on the file of the learned Special Metropolitan Magistrate-I, Special Court for exclusive Trial of Land Grabbing Cases, Allikulam, Egmore, and quash the same as against the petitioners.

For Petitioners :Mr.S.R.Rajagopal, Senior Counsel for
M/s Shanmitha.S.

For R1 :Mr.S.Udayakumar
Govt.Advocate (Crl.Side)

For R2 :Mr.R.Srinivas, Senior Counsel for
Mr.M.Santhanaraman

ORDER

This Criminal Original Petition is filed to quash the proceedings in C.C.No.2 of 2023 on the file of the Special Metropolitan Magistrate, Special Court for exclusive Trial of Land Grabbing Cases, Allikulam, Egmore, Chennai.

2.The petitioners herein are accused 1 to 3 in the criminal case taken on file by the Special Metropolitan Magistrate, Special Court for exclusive Trial of Land Grabbing Cases, Allikulam, Egmore, Chennai, as



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C.C.No.2 of 2023 for the offences under Sections 417, 420, 465, 468, 471, 120B of IPC.

3. The brief facts of the case is that Dr.Satyanarayana and his wife C.Lakshmi Devi had three sons by name, Dr.C.Satyakumar, Dr.C.S.Prasad and Dr.C.Ranga Rao (pre-deceased). Dr.Satyanarayana died on 18.04.2012. His wife Lakshmi Devi died on 22.04.2012. During the life time of Dr.Satyanarayana, he had settled his property at 192, Poonamallee High Road, through a registered deed dated 31.12.2010. C.Lakshmi Devi has settled her property at Block No.1-D, Plot No.2441 at Anna Nagar through a registered settlement deed dated 14.02.2012. On 28.03.2012 Dr.Satyanarayana has executed a power of attorney in favour of his elder son Dr.Satyakumar. On the basis of the said power of attorney, Dr.Satyakumar has settled the property in his favour vide Document dated 30.03.2012.



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4. The complainant in this case is the second son of Dr.Satyanarayana, the first accused/first petitioner is the eldest son of Dr.Satyanarayana. The 2nd and 3rd petitioners/accused are the wife and son of the first petitioner. The contention of the complainant is that for more than one year before the death, both Dr.Satyanarayana and his wife C.Lakshmi Devi were not keeping in good health and conscious. The alleged power of attorney dated 28.03.2012 executed at the house bearing Plot No.2441, 3rd Main Road, Anna Nagar, Chennai by Dr.C.Satyanarayana by affixing thumb impression is a false document. In the said power of attorney, it is stated that Dr.Satyanarayana appoints his elder son Dr.Satyakumar as lawful power agent to present the settlement deed for registration. While the power to the first petitioner given only for presentation of the document, the first petitioner has executed the settlement deed for himself by misusing the power deed.

5. In nutshell, the three properties owned by Dr.Satyanayana and C.Lakshmi Devi were grabbed by the petitioners herein by creating false power of attorney and settlement deeds alleged to have been



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executed by Dr.Satyanayana and Lakshmi Devi. As per the prosecution, on the date of the power of attorney and settlement deeds, Dr.Satyanayana and his wife C.Lakshmi Devi were not in good conscious state of mind. To grab the properties, the documents were created. Initially, the complaint given to the police was closed as civil dispute. Subsequently, the petition filed under Section 156(3) of Cr.P.C., before the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, was forwarded to the first respondent police for registration of the complaint and investigation. Accordingly, First Information Report No.229 of 2021 was registered on 16.12.2021 and the final report filed before the Special Court, which has taken cognizance in C.C.No.2 of 2023.

6. The petition to quash is filed on the ground that regarding the suit properties, the third respondent, who is the son of Dr.C.Ranga Rao (pre-deceased son of Dr.Satyanarayana) filed suit for partition and declaration that the settlement deeds are null and void. The said suit in O.S.No.2190 of 2014 on the file of the City Civil Court, Chennai was



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WEB COM dismissed on 24.01.2023. Suppressing the pendency of the suit, the complaint was filed and taken cognizance by the Court due to suppression of fact. That apart, in the said suit, the complainant C.S.Prasad was one of the defendants and having entered appearance he did not contest the suit. Hence, he was set *ex parte*. Settlement deeds which are now alleged to be false document in this complaint been tested by the Civil Court and found to be genuine. By giving criminal colour to a civil dispute and by consciously not participating in the civil suit, the criminal complaint came to be filed by the 2nd respondent Dr.C.S.Prasad. The allegations made in the complaint does not attract the ingredient of offences under Sections 417, 420, 465, 468, 471 and 120B of IPC. While so, the trial Court ought not to have taken cognizance of the final report.

7. The evidence collected by the Investigating Officer in his course of investigation discloses that Late Satyanarayana and his wife Lakshmi Devi had settled their properties in favour of their eldest son Satyakumar through duly registered deeds. The Sub Registrar who registered these settlement deeds and the power of attorney deed listed as



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witness for prosecution. The Investigating Officer had recorded her statement under Section 161 of Cr.P.C and had not suspected her for registering false documents or forged documents. In fact, the statement of Tmt. Bhuvaneshwari, SRO who registered the power of attorney deed executed by Mr.Satyanarayana on 12.03.2012 at his residence had categorically stated that Dr.Satyanarayana was conscious and expressed his intention to execute the power of attorney in favour of his son. He was bed ridden so not in a position to sign in the document. Hence, he affixed his thumb impression. This statement is diagonally opposite to the statement of the other interested witnesses including the complainant. Their claim that both Satyanarayana and Lakshmi Devi were not in good state of conscious is not substantiated by any medical records. If the allegation of the complainant had any iota of truth, the SRO who registered the Power of Attorney deed ought not have registered the document.



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8. The Court cannot ignore the fact that the transfer of three properties were between 31.12.2010 and 30.03.2012. After the demise of Satyanayarana and his wife Lakshmi Devi on 18.04.2012 and 22.04.2012 respectively, in a gap of 5 days the impleaded 3rd respondent Ranjit Chittoori, S/o Ranga Rao(pre-deceased son of Dr.Satyanarayana) and the grand son of Satyanarayana has laid a suit for partition and declaration. In the said suit O.S.No.2190 of 2014, the defacto complainant C.S.Prasad was arrayed as 2nd defendant. He had entered appearance through a counsel, but had not contested the suit neither he filed statement or adduced evidence challenging the validity of the registered documents. He remained exparte. If really he had any material to establish that he was cheated by his elder brother by making false documents and forgery, he should have participated in the suit proceedings or atleast filed complaint immediately. He had filed a complaint to the Commissioner of Police only on 08.01.2020 and the same after enquiry was closed on 17.03.2020 as civil dispute. When his complaint was closed as dispute is civil in nature, the suit O.S.No.2190 of 2014 was pending. Hence, he had all opportunities to file application to



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set aside the exparte order passed against him on 08.06.2015 and participate in the suit where the validity of the 3 settlements deeds were one of the issues under consideration.

9. Instead of participating in the civil proceeding, the private complaint filed on 12.10.2021 under Section 156(3) of Cr.P.C., suppressing the fact that settlement deeds are subject matter in the pending suit. In this regard it can be safely presumed that the 2nd respondent herein had knowledge about the settlement deeds if not earlier at least on the date of receipt of suit summons in O.S.No.2190 of 2014. Whereas no plausible explanation placed by him in his complaint for delay of 6 years in filing the complaint.

10. It is also surprising that in his final report which is impugned in this petition for quash, the Investigating Officer had not stated anything about the pendency of civil suit despite the fact he had recorded the statement of Ranjith Chittoori(3rd respondent), who is the plaintiff in O.S.No.2190 of 2014 and had disclosed in this statement



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about the suit. The said Ranjith Chittoori, who got impleaded as 3rd respondent in the quash petition, had stated that his suit in O.S.No. 2190 of 2014 was dismissed on 24.01.2023. The trial Court has held that the three settlement deeds are valid. Being aggrieved he has preferred appeal suit in A.S.No.403 of 2023 before the High Court of Madras. The appellate Court has granted injunction restraining the respondents from alienating the properties.

11. Thus, it is absolutely clear that a civil dispute been given a criminal colour suppressing the pendency of the civil suit. The Investigating Officer despite collecting details about the pendency of civil suit, had filed the final report without disclosing the facts about the civil suit pending between the parties. This omission has led to taking cognizance by the Judicial Magistrate, tantamounting to miscarriage of justice.

12. Since the complaint falls within the parameter to quash the final report as laid down by the Hon'ble Supreme Court in *M/s Neeharika*



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Infrastructure Private Limited v. State of Maharashtra and others

reported in [2021 INSC 253], the Criminal Original Petition is allowed.

Consequently, the case in C.C.No.2 of 2023 pending on the file of the learned Special metropolitan Magistrate-I, Special Court for Exclusive Trial of Land Grabbing Cases, Allikulam, Egmore, Chennai is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

22.10.2024

Index:yes/no

Internet:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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To:

1.The Special Metropolitan Magistrate-I, Special Court for exclusive Trial of Land Grabbing Cases, Allikulam, Egmore,

2.The Inspector of Police, Central Crime Branch, (Land Grabbing Cell), Egmore, Chennai.

3.The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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delivery Order made in
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22.10.2024