



Crl.O.P.Nos.15579 & 1677 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.Nos.15579 & 1677 of 2019

and

Crl.M.P.No.7722 of 2019

Crl.O.P.No. 15579 of 2019

1. G.Rajathi
2. N.Gunasekaran

... Petitioners

Versus

1. State rep. by
The Inspector of Police,
G-1 Police Station,
Vepery, Chennai.
(Crime No.647 of 2018)

2. R.Dinakaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.647 of 2018 on the file of the 1st respondent police and quash the same.



Crl.O.P.Nos.15579 & 1677 of 2019

For Petitioners : Mr.M.R.Jothi Manian
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1
Mr.R.Balasubramaniam for R2

Crl.O.P.No. 1677 of 2019

R.Dhinakaran ... Petitioner

Versus

1. The Inspector of Police,
G-1 Vepery Police Station,
Vepery, Chennai.
(Crime No.647 of 2018)

2. R.Rajathi ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to cancel the bail granted to 2nd respondent in Crl.M.P.No. 202 of 2019 in Crime No. 647 of 2018 on the file of XIV Metropolitan Magistrate, Egmore, Chennai by an order dated 11.01.2019.

For Petitioner : Mr.R.Balasubramaniam
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1
Mr.J.Senthamilarasan for R2



CrI.O.P.Nos.15579 & 1677 of 2019

WEB COPY

COMMON ORDER

CrI.O.P. No. 15579 of 2019

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.647 of 2018 on the file of 1st respondent police.

2. Heard both sides.

3. The petitioners are ranked as accused 1 and 2 in the F.I.R. in Crime No.647 of 2018 registered for an offence under Sec.420, 465, 468, 471 and 506(i) of I.P.C. based on the complaint given by the 2nd respondent/defacto complainant.

4. Brief facts of the case is that the 2nd respondent/defacto complainant is the brother of petitioners and both are all legal heirs of one Rajamanickam. He left some properties, within which, there is a dispute among the legal heirs viz., the petitioners and the 2nd respondent/defacto complainant. Furthermore, there is a gift deed also said to be executed in favour of petitioners by their mother in the year of 2006, but after the execution of Gift deed, mother was disappeared, for that, a complaint was given and subsequently, a F.I.R. in Crime



Crl.O.P.Nos.15579 & 1677 of 2019

WEB COPY

No.209/2012 as Woman Missing and the same is pending. So, with regard to the property there is a Gift deed and there is an execution of a Will by their father, besides there is a civil suit in O.S.No. 2509 of 2018 also filed.

5. Admittedly, on perusal of records, it reveals that the 1st petitioner and her husband/2nd petitioner Gunasekaran have created a fabricated document and also created a mortgage deed in respect of property, wherein they are having valid right. So, all these facts needs detailed investigation and needs evidence. Hence, at this stage, this Court is not inclined to quash the proceedings initiated against the petitioners. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Crl. O.P.No. 1677 of 2019

6. This Criminal Original Petition has been filed seeking to cancel the bail granted to 2nd respondent in Crl.M.P.No. 202 of 2019 in Crime No. 647 of 2018 on the file of XIV Metropolitan Magistrate, Egmore, Chennai.



Crl.O.P.Nos.15579 & 1677 of 2019

WEB COPY

7. So far as this Criminal Original Petition is concerned, in view of findings of this Court dismissing the petition in Crl.O.P.No. 15579 of 2019, the Criminal Original Petition in Crl.O.P.No.1677 of 2019 is closed.

28.02.2024

Index: Yes/No

Internet: Yes/No

rpp

To

1. The Inspector of Police,
G-1 Vepery Police Station,
Vepery, Chennai.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.Nos.15579 & 1677 of 2019

T.V.THAMILSELVI, J.

rpp

CRL.O.P.Nos.15579 & 1677 of 2019

28.02.2024