



CrI.O.P.No.17091 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

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

CrI.O.P.No.17091 of 2021

and

CrI.M.P.Nos.9357 of 2021 & 4209 and 12619 of 2022

K. Sumanth Reddy

... Petitioner

Versus

1. The State rep. by
Inspector of Police,
S-15, Selaiyur Police Station,
Chennai.
(Crime No. 226 of 2021)

2. Archana Reddy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.226 of 2021 dated 19.04.2021 pending investigation on the file of the Inspector



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of Police, S-15, Selaiyur Police Station, Chennai and quash the entire proceedings.

For Petitioner : Mr.R.Ganesh Kumar for
Mr. S.Shrenik Raj
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1
Mr.C.Manishankar
Senior Advocate for
Mr. Rahul M. Shankar for R2

ORDER

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No. 226 of 2021 on the file of 1st respondent police.

2. Heard both sides.

3. The petitioner wanted to quash the proceedings stating that he is son of A1 and the property was originally purchased by his mother and after her death, as a legal heir, he is enjoying the property and he is no way connected with the allegations levelled by the defacto complainant.



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In fact, as per the alleged date of Will, he was aged about 19 years when the Will said to be executed by K.N.Reddy in favour of his mother Sarala reddy and so, at that time he was a minor and he is no way connected with the alleged false documents, besides against his mother, another complaint was lodged and now charge ended as abated as she died. Therefore, the complaint against this petitioner is vexatious one and execution of documents viz., sale deed and mortgage deed executed in favour of his mother Sarala Reddy, who is no way connected with him, since because he has no knowledge about the documents. Accordingly, he prayed to quash the proceedings.

4. The learned counsel for 1st respondent would submit that prima facie evidence reveals that all the documents fabricated one by abusing the person of K.N.Reddy, who is father of defacto complainant. The learned counsel would also submit that there was a separation between her father K.N.Reddy and her mother Rani Padmaja and after that, taking advantage of the same, mother of petitioner viz., Sarala Reddy and her husband K.Konda reddy (K.K.Reddy) impersonated her father's



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identities in various documents. Even in the earliest document of mortgage deed, husband of petitioner's mother was mentioned as K.N.Reddy, who is father of this petitioner and also in the mortgage deed of the year 2005, this petitioner is also one of the attester and he has also participated in the alleged fabrication of documents. Therefore, he raised objections to quash the proceedings as there is sufficient materials to prosecute the case. In support of his contentions, the learned counsel for 2nd respondent relied on the ratio laid down in the authority reported in **2017 (9) SCC 641** in the case of **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai vs. State of Gujarat and another**, wherein the Apex Court in para 18 held as follows:-

“18. The present case, as the allegations in the F.I.R. would demonstrate, is not merely one involving a private dispute over a land transaction between two contesting parties. The case involves allegations of extortion, forgery and fabrication of documents, utilisation of fabricated documents to effectuate transfers of title before the registering authorities and the deprivation of the complainant of his interest in land on the basis of a fabricated power of attorney. If the allegations in the F.I.R. are construed as they stand, it is



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evident that they implicate serious offences having a bearing on a vital societal interest in securing the probity of titles to or interest in land. Such offences cannot be construed to be merely private or civil disputes but implicate the societal interest in prosecuting serious crime. In these circumstances, the High Court was eminently justified in declining to quash the F.I.R. which had been registered under Sections 384, 467, 468, 471, 120-B and 506(2) of the Penal Code.”

5. On considering both sides submissions and on perusal of records, it reveals that the document like mortgage deed and sale deed, in all the documents husband name of Sarala reddy is mentioned as K.N.Reddy. In fact, her husband name is K.Konda Reddy and not K.Narasimma Reddy. But, mother of petitioner actively participated in the alleged fabrication of documents. So, there is no prima facie materials to quash the proceedings and it needs detailed investigation. Hence, this Court is not inclined to quash the proceedings. Furthermore, the authority relied on by the learned counsel for 2nd respondent reported in **2017 (9) SCC 641** in the case of **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai vs. State of Gujarat and another**, is squarely applicable



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to the facts of the instant case. Accordingly, this Criminal Original Petition is dismissed as no merit. Consequently, connected Criminal Miscellaneous Petitions are closed. However, the trial court is directed to dispose the case as early as possible.

10.01.2024

Index: Yes/No
Internet: Yes/No
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To

1. Inspector of Police,
S-15, Selaiyur Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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