



Crl.O.P.20217 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.20217 of 2023

1. Vijayalakshmi

2. N. Balasundaram

3. B.Jayakumar

4. B.Unitha

.... Petitioners

Versus

1. The State

Represented by the Inspector of Police,
Kovilpalayam Police Station,
Coimbatore.

2. Lalitha

.... Respondents

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records to the Crime No.264 of 2023 on the file of the first respondent Police and quash the same.



Crl.O.P.20217 of 2024

For Petitioners : Mr.E.K.Kumaresan

For 1st Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

For 2nd Respondent : Mr.M.Aravind Subramaniam
Senior Counsel
for M/s.V.Akshaya Kamala

ORDER

The present Criminal Original Petition is filed to call for the records in Crime No.264 of 2023 pending on the file of the first respondent Police and quash the same.

2. A complaint has been filed by the widow of one Velumani stating that by creating a false legal heir certificate, as if the said Velumani died intestate leaving behind his mother as his sole surviving heir, the shares of Velumani had been fraudulently transferred by the petitioners.

3. The learned counsel for the petitioners would contend that the petitioners have no role in the forged legal heir certificate. They got the property from their mother Manickammal. Already, there was a suit pending



Crl.O.P.20217 of 2024

between the parties and therefore, the Settlement Deed executed in their favour cannot be termed as fraudulent transfer with an intention to cheat the de-facto complainant.

4. The learned counsel for the de-facto complainant produced the typed set of papers in which the first legal heir certificate of Velumani showing his mother Manickammal as his sole legal heir and the second legal heir certificate showing Manickammal, mother of Velumani, and Lalitha, wife of Velumani as his legal heirs. The first legal heir certificate is hand written and the second legal heir certificate is a computer print out. The learned counsel submits that the second legal heir certificate is genuine one, whereas the first legal heir certificate is a false and fabricated document.

5. The learned counsel for the petitioners states that they have no knowledge about the false legal heir certificate and they cannot be criminally responsible for the transfer of property in their name by way of a Settlement Deed.



WEB COPY



Crl.O.P.20217 of 2024

6. It is a case, where the petitioners have come to this Court to quash the complaint registered against them for the offences under Sections 120B, 420, 465, 468 and 471 of I.P.C. The complainant is none other than the widow person, whose property was settled in favour of the petitioners. They are not unknown persons, but, close relatives. Therefore, at this stage, it is impossible to accept the plea of the petitioners that they are innocent persons and not aware of the false legal heir certificate. It is for the Investigating Officer to conduct investigation and arrive at a conclusion whether any conspiracy or intentional commission of crime being done by the petitioners by getting the property of Velumani in their favour by way of a Settlement Deed depriving the share of the defacto complainant.

6. Hence, the petition to quash stands dismissed.

18.07.2024

asi



Crl.O.P.20217 of 2024

WEB COPY To

1. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore.
2. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl.O.P.20217 of 2024

DR.G. JAYACHANDRAN, J.

asi

Crl.O.P.No.20217 of 2023

18.07.2024