



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM:

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

CRL.OP Nos. 26009, 28113 of 2017, 11930 of 2019 and 20657 of 2023

Crl.MP. Nos. 15991 of 2017, 6195 of 2019, 14093 & 14094 of 2023

CRL.OP. No. 20657 of 2023

- 1 SAVITHRI NAIDU
NO.442 AVINASHI ROAD PEELAMEDU COIMBATORE
600004
- 2 N.RAJIV NAIDU
NO.7 1ST AVENUE SHASTRI NAGAR ADYAR
CHENNAI 600020
- 3 KRISHNAMURTHY
NO.46/29 RAJAJI STREET PUNJAI PULIYAMPATTI
SATHYAMANGALAM TALUK ERODE DISTRICT
- 4 EDDINGTON
NO.2/2 GANDHI AVENUE PURASIWAKKAM CHENNAI
600084
- 5 KAVITHA NAIDU
NO.7 1ST AVENUE SHASTRI NAGAR ADYAR
CHENNAI 600020

...Petitioners in Crl.O.P No. 20657 of 2019
Vs.

- 1 INSPECTOR OF POLICE



CENTRAL CRIME BRANCH CHENNAI 600008

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2 RAJKUMAR

S/O NEIKARAPATTI PALANI TALUK DINDUGAL

...Respondents in Crl.O.P No. 20657 of 2019
PRAYER in Crl.O.P No. 20657 of 2019 : This petition has been filed under Section 482 of Cr.P.C, to Call for the records pertaining to Charge sheet/Final Report in CC.2212/2012 dated 08.11.2008 pending on the file of the Honble Chief Metropolitan Magistrate Egmore Chennai as against the petitioners herein and to Quash the Same.

Crl.OP. No. 11930 of 2019

1 N.RAJIV NAIDU ... Petitioner in Crl.O.P No. 11930 of 2019
Vs

1 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH EGMORE CHENNAI - 8

...Respondent in Crl.O.P No. 11930 of 2019

PRAYER in Crl.O.P No. 11930 of 2019: This petition has been filed under Section 482 of Cr.P.C, To call for the records and set aside the order dated 31.01.2019 in Crl.M.P.No.2614 of 2018 in CC No.2412 of 2012 passed by the Honourable Chief Metropolitan Magistrate Egmore Chennai

For Petitioner : Mr.Vaibhav R.Venkatesh
for M/s, Nithyaesh
For R1 : Mr.S.Vinoth Kumar,
Government Advocate (Crl. side)

CRL. OP. No. 26009 of 2019:

1 M.RAJKUMAR ... Petitioner
Vs.

1 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH THOUSAND LIGHTS
CHENNAI-6 CR.NO.192/2008.



2 RAJIV NAIDU M/A 50 YRS

S/O.NARENDAN NEW NO.7 OLD NO.21 1ST
AVENUE SASTRI NAGAR ADYAR CHENNAI-20.

3 SAVITHRI F/A 65 YRS

D/O.NARAYANASAMY NAIDU NEW NO.7 OLD NO.21
1ST AVENUE SASTRI NAGAR ADYAR CHENNAI-20.

... Respondents

PRAYER in Crl.O.P No. 2600 9of 2017: This petition has been filed under Section 482 of Cr.P.C, To direct the Learned Chief Metropolitan Magistrate Egmore to complete the trial in C.C.No.2412/2012 within the stipulated time either 6 months or 3 months.

For Petitioner : Mr.K.M.Subrahmanian

For R1 : Mr.S.Vinoth Kumar,
Government Advocate (Crl. side)

For R2 : Mr. Vaibhav R.Venkatesh

For R3 : Service awaited.

CRL.OP. No. 28003 of 2017

1 M. RAJIV NAIDU

... Petitioner

Vs

1 STATE REP. BY

THE INSPECTOR OF POLICE CENTRAL CRIME
BRANCH THOUSAND LIGHTS CHENNAI-600 006.

2 M.RAJKUMAR M/A 47 YEARS

S/O.MEENAKSHISUNDARAM NEIKARA PATTI PALANI
TALUK DINDIGUL DISTRICT.

... Respondents.

Prayer in Crl.OP. No. 28113 of 2017: This petition has been filed under Section 482 Cr.P.C., To set aside the order of Principal Session Judge dated



12.03.2015 in Crl. R.C. No. 38 of 2013 in Crl. Mp. No. 550 of 2013 and pass such other or further orders as this Honble Court may deem fit in the facts and circumstances of the instant case.

For Petitioner : Mr.Vaibhav R.Venkatesh
For R1 : Mr.S.Vinoth Kumar,
Government Advocate (Crl. side)
For R2 : Mr.K.M.Subrahmanian

COMMON ORDER

The petition is Crl.O.P No. 20657 of 2019 has been filed to Call for the records pertaining to Charge sheet/Final Report in CC.2212/2012 dated 08.11.2008 pending on the file of the Honble Chief Metropolitan Magistrate Egmore Chennai as against the petitioners herein and to Quash the Same.

1.1. The petition in Crl.O.P No. 11930 of 2019 has been filed to call for the records and set aside the order dated 31.01.2019 in Crl.M.P.No.2614 of 2018 in CC No.2412 of 2012 passed by the Honourable Chief Metropolitan Magistrate Egmore Chennai.

1.2 The petition in Crl.O.P No. 2600 9of 2017 has been filed to direct the Learned Chief Metropolitan Magistrate Egmore to complete the trial in C.C.No.2412/2012 within the stipulated time



either 6 months or 3 months.

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1.3 The petition in Crl.OP. No. 28113 of 2017 has been to set aside the order of Principal Session Judge dated 12.03.2015 in Crl. R.C. No. 38 of 2013 in Crl. Mp. No. 550 of 2013 and pass such other or further orders as this Honble Court may deem fit in the facts and circumstances of the instant case.

2. The brief facts of the case :

The Savithri Naidu executed a sale deed in respect of property measuring 40 cents situated at Shollinganallur Village in favour of his son/A2 as if Savithri being a power agent of the complainant/Rajkumar by forging the signature of the complainant with an ulterior motive on 05.09.2006. Subsequently, the defacto complainant lodged a complaint on 30.03.2007 before the CCB, Chennai and based on the direction of this Court the first respondent police filed a FIR in crime No. 502 of 2007. Thereafter, the said FIR was closed as mistake of facts without conducting the proper investigation. Challenging the said closure report Crl.O.P No. 28113



of 2016 was filed before this Court. Subsequently as a counter blast the Rajkumar gave a another complaint against the petitioners herein and the same was registered in crime No. 192 of 2008 and thereafter final report was filed in the said crime number and the same was taken cognizance by the Trial Court in C.C No.2412 of 2012 and same was challenged by the petitioners herein.

3. The learned counsel for the petitioners submit that the petitioners have filed the anticipatory bail petition before this Court, in the bail proceedings the petitioners Savithri Naidu and Rajiv Naidu re-conveyed the entire property in dispute in favour of Rajkumar/defacto complainant and Padmavathy vide document NO. 3467/2008 dated 25.08.2008. Therefore, as on date they re-conveyed the property to the complainant and the same was accepted by the complainant. Subsequently, they sold the property to third parties on 26.08.2011 through sale deed. Further, he stated the that first petitioner is the aunt of the complainant due to disputes regarding land acquisition, the complainant in order to safeguard the property from TNHB, the complainant approached the first petitioner and the



said document was came into force, but her son obtained document from her under some pretext but the same was canceled and re-conveyed to the complainant in the year of 2008 itself but with a malafide intention and in order to harass the petitioner who is aged about 80 years/first petitioner vexatiously prosecuted by the complainant/close relative. Further, there is no basic materials against the petitioners to show that they were committed the above offence with dis-honest intention. Hence, prayed to quash the proceedings.

4. By way of reply, the learned counsel for the complainant submits that they never approached the first petitioner to safeguard the subject property at the time of the alleged land acquisition proceedings. But both A1 and A2 colluded and fabricated the documents created the sale deed in favour of the A2 after came to know the same, the complainant lodged the complaint. Thereafter, the subject document was canceled and re-conveyed to the complainant only because of this Court while granting bail. Even the forensic report obtained by the prosecution clearly shows that the signature in the disputed document not been tallied with the complainant's



signature. Therefore, there is prime facie material against the petitioners to show that they were committed the alleged offence.

5. Heard both sides.

6. Coming to the facts of the case, on perusal of the records, the first petitioner/Savithiri Naidu and the Padmavathy are sisters and there was a dispute in respect of the property in the alleged sale agreement dated 05.03.1988. The case against the petitioners is that the first petitioner/Savithri conveyed the complainant's property to her son as if Savithri being a power agent of the complainant/Rajkumar by forging the signature of the complainant with an ulterior motive. But, according to the prosecution, now the sale deed was re-conveyed to the complainant's family. Hence, the facts reveals that the property was not sold by the petitioners to third party. Further, the signature of the document compared by the prosecution is of the year 1992 with the signature of the complainant of the year 1988 which shows that signature not been properly compared therefore the prosecution prime facie failed to prove the forgery. Further, as rightly pointed out by the petitioner's counsel the disputed document is of the year 1988 but



document compared by the prosecution is of the year 1992 i.e., land lord agreement signed by the complainant. It is settled proposition that disputed document can only be compared with admitted signature on contemporaneous period of document but in the present case the prosecution not compared the signature with contemporaneous document. So there was laches and lacunaes on the side of the prosecution. Further, on seeing facts of the case only dispute is with regard to conveyance of the 40 cents and the same was re-conveyed after the complaint. As discussed above, there is no basic material against the petitioners to show that they were created the forged document with malafide intention to cheat the complainant. Now the property was re-conveyed, if at all they had claim both can work out their remedy before the civil Court.

7. Furthermore, the learned counsel for the petitioners given undertaking on behalf of the petitioners that they would not claim any right or title over the disputed property in future and also assured that they would not initiate any proceedings in respect of the disputed property. The submission of the petitioners' counsel is recorded.



Furthermore, re-conveyed property was sold by the complainant to third parties long back for multi crores of rupees, so they have not sustained with any loss. On the other hand, they unnecessarily harassed her own sister who is aged about 80 years old. For the reasons stated above, the Charge sheet/Final Report in CC.2212/2012 dated 08.11.2008 pending on the file of the Chief Metropolitan Magistrate Egmore Chennai is ordered to be quashed as it is vexatious one. In view of the order passed in Crl. O.P No. 20657 of 2023 other petitions in Crl. O.P Nos. 11930 of 2019 and 26009 & 28113 of 2017 are closed. Consequently, connected miscellaneous petitions are closed.

27.03.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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CRL.OP Nos. 26009, 28113 of 2017, 11930 of 2019 and 20657 of 2023
Crl.MP. Nos. 15991 of 2017, 6195 of 2019, 14093 & 14094 of 2023

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