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Crl.R.C.No.272 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.272 of 2024

T.Malligavathi

... Petitioner

Vs.

1.State represented by its
The Inspector of Police,
Anti – Land Grabbing Cell,
Salem City.

S.Nagarathinam (Died)
P.Premavathy (Died)
D.Sarojini (Died)

2.R.Vasudevan
3.V.Najappa Raju
4.V.Jayasree Meenakshi
5.Dhanakotti Narayanan
6.D.Saravanan
7.D.Balaji
8.M.Ragunath

... Respondents

Prayer:

Criminal Revision Case filed under Section 401 and 397 of Criminal Procedure Code, seeking to set aside the order dated 23.05.2023 in Crl.M.P.No.1560 of 2023 (Register) and Crl.M.P.No.451 of 2023 (Online) in Crime No.25 of 2017 by the learned Judicial Magistrate No.2, Salem.



Crl.R.C.No.272 of 2024

For Petitioner : Mr.D.Baskar
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)
Mr.M.P.Raja Velayutham for R2 to R4

ORDER

The criminal revision case has been filed seeking to set aside the order dated 23.05.2023 in Crl.M.P.No.1560 of 2023 (Register) and Crl.M.P.No.451 of 2023 (Online) in Crime No.25 of 2017 by the learned Judicial Magistrate No.2, Salem.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the wife of one Thasapparaja. Nanjappa Chettiyar is the grandfather of Thasapparaja. In the year 1991, the said Thasapparaja and his brother filed a civil suit in O.S.No.202 of 1991 on the file of the learned Additional Sub-ordinate Judge, Salem against the legal heirs of Nanjappa Chettiyar. In the said suit, a compromise final decree dated 11.03.1992 was passed based on the settlement arrived at between the parties. As per the decree, the settlement deeds already executed by Nanjappa Chettiyar with respect to the share to the petitioner's father – in – law was decided not to be acted upon. The defendants in turn accepted to receive a sum of



CrI.R.C.No.272 of 2024

Rs.5,000/- from the husband of the petitioner and his brother and relinquished their right over the properties.

3.The learned counsel appearing for the petitioner further submitted that the private respondents without the knowledge of the petitioner dealt with the properties over which the petitioner and her children have sole rights and resorted to land grabbing, misappropriation and infringed the property rights of the petitioner by creating forged documents. Hence the petitioner lodged complaint before the first respondent and a case in crime no.25 of 2017 was registered for the offence under Sections 465, 467 and 471 of I.P.C. and after investigation, the first respondent filed final report as 'further action dropped' and hence, the petitioner filed protest petition under Section 173(8) of Cr.P.C. and the learned Judicial Magistrate No.2, Salem, dismissed the said petition.

4.The learned counsel appearing for the petitioner further submitted that item nos.3, 7A, 7B in the suit schedule properties were settled in favour of the petitioner's father – in – law and subsequently, the petitioner's father – in – law settled the properties in favour of the petitioner and her sons, thereby the petitioner and her sons became



Crl.R.C.No.272 of 2024

the owner of the properties, however, in order to defeat the rights of the petitioner, the other legal heirs encumbered the property, which is a clear case of cheating. However, the accused filed O.S.No.336 of 2017 before the District Court, Salem to declare the compromise decree as null and void and for other reliefs. In the said suit, an application was filed to send the signature for expert opinion and on 11.07.2018 the expert gave the opinion stating that the signature differs, based on which, the law enforcing agency filed final report as 'further action dropped'. The trial Court without considering the factual aspects, dismissed the petition filed by the petitioner which is not sustainable one.

5.The learned Government Advocate (Crl. Side) submitted that a bare perusal of the complaint itself would disclose that it is purely civil dispute between the legal heirs of Nanjappa Chettiyar and further submitted that the respondents rightly approached the civil Court challenging the compromise decree, in which the law enforcing agency have no right to conduct investigation. The said issue was rightly appreciated by the trial Court.

6.Heard the submissions made on either side and perused the



CrI.R.C.No.272 of 2024

materials available on record.

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7.Perusal of records disclose that the matter is purely civil dispute between the legal heirs of Nanjappa Chettiyar and the respondents rightly approached the civil Court challenging the compromise decree, in which the law enforcing agency have no right to conduct investigation. The said issue was rightly appreciated by the trial Court, which warrants no interference.

8.The revision is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy before the civil Court in the manner known to law.

24.07.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate No.2,
Salem.

2.The Inspector of Police,
Anti – Land Grabbing Cell,
Salem City.

5/6



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Crl.R.C.No.272 of 2024

M.DHANDAPANI,J.
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Crl.R.C.No.272 of 2024

24.07.2024