



CRL OP(MD)No.1543 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07.03.2024

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.1543 of 2021
and
CRL.M.P(MD)No.738 of 2021

1.V.R.B.Balasubbiah

2.Senthamil Selvi

3.Mala

4.Hemalatha

... Petitioners

Vs

1.State rep.by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(in Crime No.60 of 2010)

2.A.Seenivasa Rao
S/o.Aanjaneyalu,
Manager,
S.R.R.Project Private Limited,
Balakrishnapuram,
Vadamadurai-624 802,
Dindigul District.

... Respondents



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Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.107 of 2011 on the file of the Judicial Magistrate Court No.II, Dindigul and quash the same.

For Petitioners : Mr.L.Prabhu

For R1 : Mr.M.Sakthi Kumar
Government Advocate(crl.side)

For R2 : No appearance

ORDER

Seeking to quash the final report in C.C.No.107 of 2011 on the file of the learned Judicial Magistrate No.II, Dindigul, the present petition is filed by the petitioners/Accused 1 to 4.

2(i). The case of the prosecution, in a nutshell, is as follows:-

The first accused, who is a document writer and is also working in S.R.R.Project Private Limited. He prepared a sale deed in favour of S.R.R.Project Private Limited with regard to the properties in Survey Nos.1411/3B, 1411/2, 1411/4,1411/2B, 1413/2D,1413/3D,1414/1, 1414/2, 1414/3, 1411/3A, 1410, 1411/1, 1415, 1411/1A of Vadamadurai



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Village, Vedasanthur Taluk, Dindigul District and subsequently, in respect of the very same properties, he got a settlement deed executed by one Senthamil Selvi and one Mala, who are in no way connected with those properties. Thereafter, the first accused executed a settlement deed in favour of his wife, the fourth accused, who in turn executed a sale deed in favour of the accused 5 and 6.

2(ii). Therefore, the second respondent/defacto complainant lodged a complaint with the Sub Inspector of Police, District Crime Branch, Dindigul District and the same was registered as FIR in Crime No.60 of 2010 against the accused for the offences punishable under Sections 417, 420, 468, 471, 120(b) r/w 34 of IPC. The Inspector of Police, after concluding investigation, laid a final report in C.C.No.107 of 2011 before the Judicial Magistrate No.II, Dindigul for the aforesaid offences.

3. Mr.L.Prabhu, learned counsel for the petitioners would contend that the properties sold in favour of S.R.R.Project Private Limited are the ancestral properties of the first accused's father and his brothers born



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through the first wife of his father (Sankararamanujam, Balakrishanan, Nagarajan and Selvaraj). According to him, they executed a sale deed in respect of those properties in favour of S.R.R.Project Private Limited without disclosing the fact that the present first accused is also one of the sharers in the said properties. It is also his contention that the suit for partition in O.S.No.153 of 2010 on the file of the Sub Court, Dindigul, is pending between him and his brothers and other family members and that the police without ascertaining the nature of the dispute between the parties, had filed a final report.

4. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) appearing for the first respondent would contend that the police, after conducting proper investigation, had laid a final report before the learned Judicial Magistrate No.II, Dindigul and there is no good ground to quash the entire case.

5. It is seen from the records that the Survey Nos.1411/3B, 1411/2, 1411/4,1411/2B, 1413/2D,1413/3D,1414/1, 1414/2, 1414/3, 1411/3A,



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1410, 1411/1, 1415, 1411/1A of Vadamadurai Village, Vedasanthur Taluk, Dindigul District are the ancestral properties of the first accused and his step brothers Sankararamanujam, Balakrishanan, Nagarajan and Selvaraj. Though the first accused contention is that he is also one of the sharers in the properties, he had prepared a document of sale in favour of S.R.R.Project Private Limited. Subsequently, on 17.02.2010, he got a settlement deed executed in his favour by one Senthamil Selvi and Mala in respect of the very same properties. According to the first respondent police, the said Senthamil Selvi and Mala did not have any right over the said property.

6. The first petitioner, as a document writer, having prepared the sale deed in favour of S.R.R.Project Private Limited, with his eyes wide open, now contends that he is one of the sharers. He also got the settlement deeds in his favour on 17.02.2010 and on 24.02.2010. Thereafter, he executed a settlement deed in favour of his wife, the fourth accused, who in turn executed a sale deed in favour of accused 5 and 6. Thus, it is seen from the records that the present petitioners have prima facie committed the offences punishable under Sections 417, 420, 468,



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471, 120(b) r/w 34 of IPC. Moreover, C.C.No.107 of 2011 is also posted for trial.

7. In these circumstances, I do not see any reason to quash the final report and accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

07.03.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
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To

- 1.The Judicial Magistrate Court No.II,
Dindigul.
- 2.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA,J.

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