



CRL OP(MD) No.3904 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3904 of 2024

LALITHA

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
NAVALPATTU POLICE STATION,
TRICHY DISTRICT.
CRIME NO.05/2024.

... RESPONDENT

For Petitioner : M/S.KARTHIKEYAN.C Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.05/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence u/s 420 IPC in Crime No.05/2024, is before this Court seeking

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anticipatory bail.

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2. The gravamen of the allegation, as could be ascertained from the complaint filed by the defacto complainant is that the defacto complainant is the mother of the petitioner. The defacto complainant, in addition to the petitioner, has begotten six children, in addition to one adopted child of which four are sons and three are daughters. It is the further allegation of the defacto complainant that all her sons are married and working abroad. It is further alleged by the defacto complainant that herself and her spouse are illiterates and from out of the hard earned earnings of her sons, they had purchased various properties in their names and also in the names of the defacto complainant. As a token of their love and affection and also in view of the work, which the petitioner was doing to her brothers, the sons of the defacto complainant had also purchased various properties and gifted the same to the petitioner. As the defacto complainant is an illiterate, on trust, she had entrusted the job of buying and selling properties with the petitioner. However, pursuant to their marriage, the daughter-in-laws of the defacto complainant, being literate and able to take care of the above tasks, slowly the work of buying and selling of properties entrusted with the petitioner was reduced. In view of the fact that the entrustment of work given to the petitioner was slowly reduced by the defacto complainant and her



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sons, perturbed by the said act, the petitioner, utilising the fact that the defacto complainant is an illiterate, had obtained settlement of the properties, which stood in the name of the defacto complainant and her sons.

3. It is the further allegation of the defacto complainant that in respect of one specific property, of which the original document was with the defacto complainant, the petitioner had given a complaint in the name of the defacto complainant by subscribing her signature before Navalpattu Police Station stating that the said document is missing and on the basis of the missing certificate issued by the law enforcing agency, the petitioner had obtained settlement of the said property in her name clandestinely from the defacto complainant. On the aforesaid allegations, the complaint was lodged by the defacto complainant, which resulted in the crime being registered by the law enforcing agency against the petitioner in Crime No.5/2024. Apprehending arrest, the present petition for anticipatory bail has been filed by the petitioner.

4. Learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the allegations levelled against the petitioner are false and concocted. Learned



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counsel further submits that it is the petitioner's husband, who was employed overseas and through whose hard earned money, the petitioner had purchased various properties and due to love and affection, the petitioner had purchased the properties in the name of the defacto complainant.

5. It is the further submission of the learned counsel that the alleged settlement deed in respect of Survey No.77/31B to an extent of 2.67 cents in Poolankudi Village, Thiruverumbur Taluk, Thiruchirappalli District, registered as Document No.3398/2022 on the file of the Sub-Registrar, Thiruverumbur, Tiruchirappalli District, was in fact purchased by the petitioner in the name of the defacto complainant, which was returned to her by the defacto complainant through the settlement deed. It is the further submission of the learned counsel that many properties were purchased by the petitioner in the name of the defacto complainant and as her share in the joint family properties was not partitioned and given to her, suit in O.S. No.244/2022 was filed for partition before the District Judge, Tiruchirappalli and perturbed by the said suit, on the insistence of the other siblings, the complaint has been fabricated and lodged by the defacto complainant before the law enforcing agency.



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6. It is further submitted by the learned counsel for the petitioner that already the defacto complainant preferred a complaint under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in which an order was passed by the Revenue Divisional Officer-cum-Sub Divisional Magistrate directing restoration of the property, which had been clandestinely obtained by the petitioner from the defacto complainant back to the defacto complainant against which the petitioner preferred W.P. (MD) No.29122/2022 which is pending and in which an order of interim stay was passed. However, in the appeal before the District Collector, the order passed by the Executive Magistrate was upheld vide order dated 15.12.2023. It is the further submission of the learned counsel that the defacto complainant preferred a suit before the learned Addl. Subordinate Judge IV, Tiruchirappalli in O.S. No.272/2023 seeking cancellation of the Gift Deed alleged to have been obtained fraudulently and the interim injunction in I.A. No.2/2023 therein was dismissed. However, all these material facts were suppressed while the complaint was filed by the defacto complainant before the law enforcing agency. On the above submissions, learned counsel for the petitioner prays that this is a clear case of feud between the family members, which is civil in nature which has to be adjudicated before the civil court and only to circumvent and curtail the remedy to the petitioner, the whole case has



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been given a criminal flavour by filing the present complaint and, therefore, to safeguard the life and liberty of the petitioner, anticipatory bail may be granted as otherwise the petitioner would be put to grave hardship and prejudice and would be meted out with harassment at the hands of the police and her whole family would face ignominy. Therefore, he prays that the petitioner may be granted anticipatory bail on such conditions as this Court thinks fit and proper.

7. Learned Government Advocate (Crl. Side) appearing for the respondent police submits that investigation is yet to be completed and further submits that the allegations being serious in nature, more particularly, the mother giving complaint against her very own daughter for fraud played on her and also considering the fact that the petitioner has not come forward to settle the issue with the defacto complainant, necessarily a full fledged investigation needs to be taken up to unravel the truth in the matter and, therefore, submitted that granting anticipatory bail to the petitioner at the present point of time may not be in the interest of the defacto complainant, who is an aged old lady, as the value of the properties are high and there is every possibility of the petitioner to tamper with the evidence, be it oral or documentary. Accordingly, learned Government Advocate vehemently opposed the grant of anticipatory bail to the petitioner.



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8. This court gave its anxious consideration to the submissions advanced by the learned counsel on either side and perused the materials available on record.

9. There is no quarrel with the fact that the petitioner is the daughter of the defacto complainant. The mother, who is the defacto complainant had lodged complaint against her very own daughter. Though the petitioner alleges that it is due to the pressure exerted by the siblings of the petitioner, however, it should not be lost sight of that the defacto complainant had been blessed with three daughters, of whom the petitioner had been given the task of handling the transactions relating to purchase and sale of properties, which are being purchased by her siblings, who, according to the defacto complainant, are her sons, working abroad.

10. It is to be noted that except for the petitioner, the other daughters of the defacto complainant have not been entrusted with the task. This Court would like to stress the fact that no mother will give a complaint against her very own daughter, as a mother treats all her children alike. This is not an one-off case, where the mother had given complaint against her daughters. This Court, nowadays, is coming across many cases of mutual betrayal between the siblings and between parents and



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children. Many cases are being filed by the parents alleging that they have been duped under the pretext that they would be taken care of by their children and settlement of properties being entered into on such gullible promises by the children, only for the parents to be thrown to the streets once the children receive the properties in their name.

11. In the case on hand, it is the pointed allegation of the defacto complainant that not only the petitioner had transferred various properties, which were standing in her name and in the name of her husband to her name without their consent by using the power given to her, but in respect of a particular property, of which the original document was with the defacto complainant, the petitioner is alleged to have given a fraudulent complaint to the law enforcing agency by subscribing the signature of the defacto complainant and had obtained a missing certificate and using the said certificate, the petitioner had obtained a settlement of the said property from the defacto complainant, without disclosing the nature of the transaction, which transaction had come to her knowledge only later in point of time, which had prompted the defacto complainant to lodge the complaint.

12. Though the petitioner claims that all the properties were purchased out of



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the earnings of her husband, who was employed abroad and the properties were purchased in the name of her mother, however, there is no reason attributed by the petitioner for purchasing the properties in the name of her mother, as the said act of the petitioner defies logic. If the properties were purchased out of the earnings of her husband, necessarily the properties would either have been purchased in her name or in the name of her husband and not in the name of the defacto complainant. If the petitioner wants to sustain the said stand, necessarily it is incumbent upon her to prove that the amounts towards the said purchases were made from out of the earnings of her husband and in such a case, there would arise no necessity to seek the indulgence of this Court seeking anticipatory bail, as documents evidencing said earnings and purchase of the properties through the said earnings would be within the reach of the petitioner, which could very well be placed before the law enforcing agency to prove her case.

13. If the petitioner is unable to submit any documents to prove the earnings and also the purchase of the said properties, allegedly in the name of her mother through the said earnings, then definitely, the presumption would have to be on the basis of the complaint made by the defacto complainant, in which event the seriousness of the allegations levelled would not only be cheating, but an act of



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cheating perpetrated by a daughter on her mother, which is alien to familial bonds.

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Further, the act would be more serious considering the stand of the defacto complainant that she and her husband are illiterates, in which event, the act would be nothing but a fatal attack on the trust reposed by a mother on her daughter. Further, it is not only an act of fraud being perpetrated on the defacto complainant, but the allegation is that it is an act of impersonation, by utilising the name of her mother to obtain a missing certificate which has resulted in the petitioner obtaining the settlement of the said property in her name, which is nothing but an direct affront on the affection and trust reposed on the petitioner by the defacto complainant and her siblings.

14. Though the petitioner has claimed that with regard to partition of the joint family properties, suit has been laid by the petitioner, however, the said suit would not in any way bolster the case of the petitioner to come to a conclusion that the properties, which are the subject matter of allegations made by the defacto complainant were purchased by the petitioner from out of the earnings of her husband. Further, the order passed by the authorities under the Senior Citizens Act with regard to the claim made by the defacto complainant stares writ large on the face of the petitioner. Merely because the defacto complainant has not placed the said



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facts before this Court, no inference could be drawn that it amounts to suppression, as the said facts does not have a bearing on the complaint made by the defacto complainant to the law enforcing agency.

15. In such a backdrop, looking at the various allegations levelled against the petitioner by the defacto complainant, this Court is of the considered view that granting anticipatory bail at this point of time would not be in the interest of either the defacto complainant or the investigative machinery, as a daughter perpetrating fraud on her mother would go to any extent to tamper with the evidence, both oral and documentary and in such view of the matter, granting anticipatory bail would not be proper.

16. Therefore, this Court is not inclined to grant anticipatory bail in favour of the petitioner and, accordingly, for the reasons aforesaid, this criminal original petition is dismissed.

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Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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1. THE INSPECTOR OF POLICE
NAVALPATTU POLICE STATION,
TRICHY DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3904 of 2024
Date :21/03/2024

RK/GS (25/04/2024) 12P / 3C

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