



Crl.O.P.(MD)No.5228 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.5228 of 2021 &
Crl.M.P.(MD)No.3013 of 2021

Haridass

... Petitioner

vs.

1.The State of Tamilnadu,
Represented by
The Inspector of Police,
Land Grabbing Cell,
Ramanathapuram District,
Ramanathapuram.
(Crime No.53 of 2015)

2.M.K.Mohammed Ali

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.435 of 2019 on the file of the Judicial Magistrate No.II, Ramanathapuram and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.J.Bharathan

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Criminal Side)
for R1
Mr.B.Arun for R2



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ORDER

Seeking to quash the final report in C.C.No.435/2019 on the file of the Judicial Magistrate No.II, Ramanathapuram, the present petition is filed by the 6th accused.

2. The case of the prosecution in a nutshell is as follows.

2.1. There was a civil dispute between one Raja Kumaran Sethupathy and one Muniyandi, the President of Vannar Association in O.S.No.97/1997 before the Sub Court, Ramanathapuram in respect of the lands in S.Nos.113 to 120 of Surakottai Village. A compromise decree was passed on 30.01.2006, whereby, the plaintiff Raja Kumaran Sethupathy was directed to execute sale deeds in favour of the persons mentioned by the defendant Muniyandi. Subsequently, the plaintiff sold his share of land measuring 3.44 cents to and in favour of M.K.Mohammad Ali through a registered sale deed dated 02.01.2008. He also sold 871 square feet of land to the father of M.K.Mohammad Ali through a registered sale deed dated 26.05.2008. While so, Muniyandi, the defendant in O.S.No.97/1997 conspired with the other accused and



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created a bogus Town Survey Field Register and an Encumbrance Certificate and executed a registered settlement deed for the same land in favour of Thangavel (A2), son of Koori on 27.07.2015, who in turn executed a General Power of Attorney in favour of one Saravanan (A4). Based on the complaint given by M.K.Mohammad Ali (defacto complainant), the Inspector of Police, Anti-land grabbing cell, Ramanathapuram District registered FIR in Crime No.53/2015 against eight accused persons including the present petitioner for the offences punishable under Sections 420, 423, 465, 468, 471 r/w 120(b) IPC. After concluding investigation, he filed a final report in C.C.No.435/2019 before the Special Judicial Magistrate (Land Grabbing cases), Ramanathapuram against 8 accused persons for the offences punishable under sections 420, 423, 465, 468, 471 r/w 120(b) IPC and subsequently it was transferred to Judicial Magistrate Court No.II, Ramanathapuram. The allegation against the present petitioner is that he conspired with his father Muniyandi and the other accused and forged Town Survey Field Register and Encumbrance Certificate and facilitated his father Muniyandi (A1) to execute a sale deed in favour of Thangavel (A2), son



of Koori.

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3. Mr.J.Bharathan, learned counsel appearing for the petitioner would contend that the present petitioner had not committed any offence as alleged by the prosecution and A1 had in fact settled his property in favour of Thangavel (A2) on 27.07.2015 and subsequently the said document was also cancelled by way of cancellation deed dated 03.07.2017. He filed a copy of the cancellation of settlement deed dated 03.07.2017. According to him, the present petitioner is working in the office of Assistant Director of Medicine, Rural and Family Welfare, Ramanathapuram and in order to get the things settled by his father Muniyandi (A1), the present petitioner has been falsely implicated in the present case.

4. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side) appearing for the first respondent and Mr.B.Arun, learned counsel appearing for the second respondent would contend that the Police after conducting proper investigation had laid a final report and there are no valid grounds to quash the same.



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5. A perusal of the final report which includes statements of witnesses recorded by the police under Section 161(3) Cr.P.C. shows that the allegations against the present petitioner are very vague and also no materials are placed by the prosecution to show that the present petitioner actually conspired with the other accused. Since the present petitioner (A6) happens to be the son of the first accused Muniyandi, it appears that he has been roped in the criminal prosecution. The prosecution has not also taken into account the subsequent cancellation of the settlement deed executed by A1 in favour of A2 on 03.07.2017. In fact, the final report in C.C.No.435/2019 was filed only in the year 2019. As already observed, no witness on the side of the prosecution has spoken about the specific overt act committed by the present petitioner and therefore, the final report in C.C.No.435/2019 of the file of the Judicial Magistrate No.II, Ramanathapuram is liable to be quashed in respect of the present petitioner.



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6. Accordingly, the final report in C.C.No.435 of 2019 on the file of the Judicial Magistrate No.II, Ramanathapuram is quashed insofar as the petitioner (A6) is concerned and the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

04.03.2024
(1/2)

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The Judicial Magistrate No.II,
Ramanathapuram
- 2.The Inspector of Police,
Anti-Land Grabbing Special Cell,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.HEMALATHA, J.

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