



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) Nos.12899 & 20067 of 2021

and

Crl.M.P.(MD) Nos.6628, 6630 & 11316 of 2021

Ananthi

... Petitioner in
both Crl.O.Ps.

Vs.

1.State through
The Inspector of Police,
K.Pudu Police Station,
Madurai – 07.
In Crime No.21 of 2020

... 1st Respondent in
Crl.O.P.(MD)No.12899/21

2.Selvakumar

... 2nd Respondent in
Crl.O.P.(MD)No.12899/21
& Respondent in
Crl.O.P.(MD)No.20067/21

Prayer in Crl.O.P.(MD)No.12899/21: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records in C.C.No.339 of 2021 on the file of the Judicial Magistrate Court No.VI, Madurai and quash the same as illegal.

Prayer in Crl.O.P.(MD)No.20067/21: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

records in C.C.No.03 of 2020 on the file of the Judicial Magistrate Court (Special Court for Land Grabbing Cases), Madurai dated 20.10.2020 with regard to the petitioner alone and quash the same as illegal.

For Petitioner
in both Crl.O.Ps. : Mr.N.Anandhapadmanabhan
Senior Counsel assisted by
Mr.T.Amjadkhan

For R1 in
Crl.O.P.(MD)No.12899/21 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For R2 in
Crl.O.P.(MD)No.12899/21
and for Respondent in
Crl.O.P.(MD)No.20067/21 : Mr.C.Jawahar Ravindran

COMMON ORDER

Tmt.Anandhi, petitioner in both these Criminal Original Petitions sought for quashing,

- i. the final report in C.C.No.339 of 2021 on the file of the Judicial Magistrate Court No.VI, Madurai.
- ii. the private complaint filed by the respondent Selvakumar in C.C.No.03 of 2020 on the file of the Judicial Magistrate Court (Special Court for Land Grabbing Cases), Madurai.



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

2. The *de facto* complainant Selvakumar lodged a complaint with the Superintendent of Police, Madurai City, on 30.01.2019 stating thus:

(ii) The *de facto* complainant and his ancestors have been in continuous possession and enjoyment of the property in Survey No.21/5 of Arumbanur I Bit Village, Madurai North Taluk, measuring 20 cents, since 1941.

(ii) Since the petitioner Ananthi attempted to interfere with their possession, the *de facto* complainant's father filed a suit in O.S.No.778 of 1998 before the I Additional Sub Court, Madurai for a declaration of his title to the said property and for a permanent injunction restraining the petitioner Ananthi from interfering with his peaceful and enjoyment of the same. An *exparte* decree was passed by the learned I Additional Sub Judge, Madurai in the said suit on 29.10.2001.

(iii) In the meanwhile, the present petitioner Ananthi and other accused by names Chandra, G.Arun @ Arunpandian and M.Raja @ Muthuvel Raj conspired with each other and attempted to create bogus documents.



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

WEB COPY

3. Therefore, the *de facto* complainant lodged a complaint with the Superintendent of Police to take action against all the accused. The Superintendent of Police on receipt of the complaint forwarded the same to the Anti-Land Grabbing Cell, Madurai District *vide* his proceedings in C.No.05/ALGSC/MDU/2019. An enquiry was conducted by the Inspector of Police, Anti-Land Grabbing Cell, after summoning the parties. The present petitioner Ananthi appeared before the Inspector of Police, Anti-Land Grabbing Cell on various dates. On 25.05.2019, Ananthi filed a written submission stating that she had already filed a suit before the District Munsif Court, Melur against the *de facto* complainant and that she would be furnishing details of the suit on or before 03.06.2019. Subsequently, on 07.06.2019, she once again appeared before the Inspector of Police and gave a written submission stating that she had filed a case in 3345 of 2019 before the District Munsif Court, Melur. Based on the same, the Inspector of Police closed the complaint and directed all the parties to approach the civil court.

4. When the *de facto* complainant through an application under RTI Act sought the details of the case in O.S.No.3345 of 2019 filed by



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

Ananthi, he was given a reply stating that Ananthi did not file any suit in O.S.No.3345 of 2019. The *de facto* complainant immediately lodged a complaint before the Judicial Magistrate Court No.VI, Madurai against Ananthi (present petitioner) and others under Section 156(3) of Cr.P.C for the offences punishable under Sections 193, 166, 109, 34, 219, 420, 120(b), 182 and 511 of IPC. The said petition was referred to the Inspector of Police, K.Pudur Police Station, Madurai City for investigation and report, by the learned Judicial Magistrate No.VI, Madurai. Accordingly, the Inspector of Police registered an FIR in Crime No.21 of 2020 on 07.01.2020 against the present petitioner Ananthi for the offences punishable under Sections 193 & 420 of IPC. After concluding investigation, the Inspector of Police, K.Pudur Police Station filed a final report in C.C.No.339 of 2021 before the Judicial Magistrate Court No.VI, Madurai for an offence punishable under Section 420 of IPC.

5. The *de facto* complainant was not satisfied with the final report filed by the Inspector of Police, K.Pudur Police Station and therefore, he filed a private complaint in C.C.No.3 of 2020 before the Judicial Magistrate Court (Special Court for Land Grabbing Cases), Madurai



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

against 7 accused including the present petitioner Ananthi for the offences punishable under Sections 463, 464, 468, 469, 406, 420, 182, 511, 294B, 193, 506(ii), 166, 219, 109, 34 and 120(b) of IPC.

6. In the final report filed by the Inspector of Police in C.C.No.339 of 2021 on the file of the Judicial Magistrate Court No.VI, Madurai, the only allegation made against the present petitioner Ananthi is that she gave a wrong information to the Inspector of Police, Anti-Land Grabbing Cell that she had filed a suit before the District Munsif Court in O.S.No. 3345 of 2019.

7. Mr.N.Anandhapadmanaban, learned Senior Counsel assisted by Mr.T.Amjadkhan for the petitioner would contend that,

(i) Ananthi (petitioner) is a Tahsildar and she purchased the property in Survey No.21/5 of Arumbanur I Bit Village, Madurai North Taluk during the year 1992 itself when she was a minor and the *de facto* complainant obtained an *ex parte* decree in O.S.No.778 of 1998 on the file of the I Additional Sub Court, Madurai even without filing any document of title.



WEB COPY



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

(ii) Ananthi (petitioner) did not commit any offence of cheating or forgery as alleged by the prosecution since the RTI information would clearly reveal that Ananthi filed a civil suit before the District Munsif Court, Melur on 07.06.2019 against the *de facto* complainant in S.R.No.2345/19 and this is evidenced from the C.R.19 Register maintained by the concerned Court. According to the learned Senior Counsel, Ananthi instead of mentioning S.R.No.2345/19 had mistakenly given the number as 3345 of 2019 and the same would not attract the offence punishable under Section 420 of IPC.

He would therefore contend that the final report in C.C.No.339 of 2021 on the file of the Judicial Magistrate Court No.VI, Madurai and the private complaint filed by the respondent Selvakumar in C.C.No.03 of 2020 on the file of the Judicial Magistrate Court (Special Court for Land Grabbing Cases), Madurai cannot be sustained and are liable to be quashed.

8. Per contra, C.Jawahar Ravindran, learned counsel for the *de facto* complainant would contend that,



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

(i) The present petitioner Ananthi created a forged legal heirship certificate for the original owners in order to get a sale deed executed in her favour.

(ii) Ananthi also sent a legal notice to the *de facto* complainant in the name of one Chandra (A1) with the help of G.Arun @ Arunpandian (A3) stating that the *de facto* complainant should not interfere with their possession and enjoyment of the property and also threatened him.

(iii) Even after knowing the *exparte* decree dated 29.10.2001 passed in O.S.No.778 of 1998, she obtained a patta from the concerned revenue officials in the year 2019.

9. A perusal of the sale deed dated 25.06.1992 shows that one Pethimaharajan, S/o.V.Veeranan, executed a sale deed in favour of the present petitioner Ananthi in respect of the property in Survey No.21/5 of Arumbanur I Bit Village, Madurai North Taluk, measuring 20 cents. Admittedly, she was aged 18 years on the date of execution of the sale deed in her favour.



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

WEB COPY 10. The *de facto* complainant's father filed O.S.No.778 of 1998

before the I Additional Sub Court, Madurai seeking a declaration of his title to the property in Survey No.21/5 of Arumbanur I Bit Village, Madurai North Taluk and for a permanent injunction, against the present petitioner Ananthi. Ananthi remained *ex parte* in the suit and therefore an *ex parte* decree was passed against her on 29.10.2001. A perusal of the decree and judgment passed in the suit shows that the *de facto* complainant's father filed only 2 documents namely kist receipts. The learned Sub Judge even without any acceptable documentary evidence had decreed the suit *ex parte*. The learned Sub Judge should have scrutinized the pleadings and the documents adduced by the plaintiff in O.S.No.778 of 1998 (*de facto* complainant's father) before granting a declaratory decree of title in his favour even though the other side remained absent and was set *ex parte*. Fortunately, a declaratory decree of title was not granted by the sub-judge for 'Taj Mahal'. The *de facto* complainant armed with the decree passed in O.S.No.778 of 1998 claims absolute right over the property in Survey No.21/5 of Arumbanur I Bit Village, Madurai North Taluk.



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

11. He also lodged a complaint with the Superintendent of Police stating that the present petitioner Ananthi is attempting to grab his property and the said complaint was forwarded to the Anti-Land Grabbing Cell. The Inspector of Police, Anti-Land Grabbing Cell, after conducting a preliminary enquiry closed the complaint since the present petitioner Ananthi represented that she had already filed a suit in respect of the said property before the District Munsif Court, Melur in case number 3345 of 2019. Subsequently, it turned out that no such suit was filed by Ananthi. Therefore, the *de facto* complainant filed a complaint before the Judicial Magistrate No.VI, Madurai under Section 156(3) of Cr.P.C. against Ananthi and others for the offences punishable under Sections 193, 166, 109, 34, 219, 420, 120(b), 182 and 511 of IPC. The learned Judicial Magistrate, on his part, referred the same to the Inspector of Police, K.Pudur Police Station for investigation. The Inspector of Police after conducting investigation had laid a final report against Ananthi (petitioner) in C.C.No.339 of 2021 before the Judicial Magistrate Court No.VI, Madurai for an offence punishable under Section 420 of IPC.

12. The only allegation made against the present petitioner Ananthi is that she had falsely represented before the Inspector of Police, Anti-



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

Land Grabbing Cell that she filed the suit in case number 3345 of 2019 before the District Munsif Court, Melur. A perusal of the records shows that on 07.06.2019, the present petitioner Ananthi had in fact filed a suit before the District Munsif Court, Melur and that the number has been mistakenly given as S.R.No.3345 of 2019 instead of S.R.No.2345/19. Therefore, the present petitioner Ananthi cannot be charged for the offence punishable under Section 420 of IPC as she did not have any intention of deceiving the *de facto* complainant. Therefore, the final report in C.C.No.339 of 2021 on the file of the Judicial Magistrate Court No.VI, Madurai, is liable to be quashed.

13. As far as the private complaint is concerned, the allegation made against the present petitioner is one and the same as found in C.C.No.3 of 2020. Mr.C.Jawahar Ravindran, learned counsel for the *de facto* complainant contended that Ananthi had forged a legal heirship certificate of the original owner of the property for the purpose of getting a sale deed executed in her name. This has not been indicated by the *de facto* complainant in any one of his complaints including the private complaint filed by him in C.C.No.3 of 2020. In any event, the present petitioner Ananthi was aged just 18 years during the year 1992 when the



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

sale deed was executed in her favour. Therefore, it is highly improbable to create a forged legal heirship certificate of the petitioner's vendor by her. It is also pertinent to point out that the *de facto* complainant did not implead the vendors of the present petitioner Ananthi as accused in his complaints made before different forums.

14. His further contention is that the petitioner Ananthi obtained patta from the Revenue Department suppressing the decree passed in O.S.No.778 of 1998 by the I Additional Sub Judge, Madurai on 29.10.2001. Admittedly, till date, the *de facto* complainant did not challenge the patta issued in favour of the present petitioner Ananthi for the reasons best known to him. It is pertinent to point out that the *de facto* complainant did not adduce any documentary evidence to show that he, his father and his grandfather have been in continuous possession of the property in Survey No.21/5 of Arumbanur I Bit Village, Madurai North Taluk. When the *de facto* complainant contends that the land in Survey No.21/5 of Arumbanur I Bit Village, Madurai North Taluk is an agricultural land, he did not file Adangal extract before the I Additional Subordinate Court, Madurai to show his continuous possession over the property. In any event, all these matters can be decided only by the District Munsif Court, Melur in O.S.No.419 of 2019.



CrI.O.P.(MD) Nos.12899 & 20067 of 2021

WEB COPY 15. Since none of the offences are made out against the present petitioner Ananthi, the final report in C.C.No.339 of 2021 on the file of the Judicial Magistrate Court No.VI, Madurai and the private complaint filed by the respondent Selvakumar in C.C.No.03 of 2020 on the file of the Judicial Magistrate Court (Special Court for Land Grabbing Cases), Madurai are hereby quashed.

16. The District Munsif Court, Melur shall decide the issues in O.S.No.419 of 2019 uninfluenced by any of the observations made by this Court in the present Criminal Original Petitions.

17. Accordingly, these Criminal Original Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

22.03.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

Copy To:

WEB COPY

- 1.The Judicial Magistrate No.VI,
Madurai, Madurai District.
- 2.The Judicial Magistrate,
Special Court for Land Grabbing Cases,
Madurai, Madurai District.
- 3.The Inspector of Police,
K.Pudu Police Station, Madurai
Madurai District – 625 007.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) Nos.12899 & 20067 of 2021

R.HEMALATHA, J.

JEN

Crl.O.P.(MD) Nos.12899 & 20067 of 2021
and
Crl.M.P.(MD) Nos.6628, 6630 & 11316 of 2021

22.03.2024