



CRL OP(MD)No.14686 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 12.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL OP(MD)No.14686 of 2021

and

CrI.M.P(MD)Nos.7753 & 7754 of 2021

1.Chelliah

2.Pandiammal

... Petitioners

Vs

1.The State represented by

The Inspector of Police

Anti Land Grabbing Special Cell,

Sivagangai.

(Crime No.23/2012)

2.Anandakrishnan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to C.C.No. 239 of 2020 on the file of Special Judicial Magistrate, Anti Land Grabbing Special Cell Cases, Judicial Magistrate No.II, Sivagangai and quash the same.



WEB COPY



CRL OP(MD)No.14686 of 2021

For Petitioners : Mr.T.A.Ebenezer
For R1 : Mr.M.Sakthi Kumar
Government Advocate (crl.side)

ORDER

Seeking to quash the final report filed by the police before the Special Judicial Magistrate, Anti Land Grabbing Special Cell Cases, Judicial Magistrate No.II, Sivagangai, in C.C.No.239 of 2020, the present Criminal Original Petition is filed.

2. The case of the prosecution is that the property in Survey No.12/5 of Sainapuram village measuring 4325 sq.ft, originally belonged to one Kothandaraman. He died issueless and intestate on 20.06.1985. His wife inherited the said property and executed a registered Power of Attorney dated 20.05.2005 in favour of one Pattabiraman, Gokulji and Raja. They, in turn, executed a registered sale deed in favour of the defacto complainant on 23.10.2007.



CRL OP(MD)No.14686 of 2021

3. According to the prosecution, all the accused conspired with each other and in furtherance of the same the second accused created a Will in favour of one Rani, as if the same was executed by Late. Kothandaraman in favour of his daughter Rani (A1). In fact Kothandaraman did not have any child. Based on the Will, Rani executed a Power of Attorney in favour of the third accused Pandiammal, on 12.11.2009. She in turn, executed a settlement deed in favour of Chellaiah (second accused) on 09.02.2011. When the defacto complainant went to his land for inspection, all the accused, who are present there, threatened him with dire consequences and when he verified the encumbrance certificate, he found the fabricated and forged documents created by accused 1 and 2. He therefore lodged a complaint with the first respondent / the Inspector of Police, Anti Land Grabbing Special Cell, which came to be registered as F.I.R in Crime No. 23 of 2012. The first respondent, after completing investigation, laid a final report in C.C.No.239 of 2020 before the Special Judicial Magistrate, Anti Land Grabbing Special Cell Cases, Judicial Magistrate No.II, Sivagangai



CRL OP(MD)No.14686 of 2021

4. Mr.T.A.Ebenezer, learned counsel for the Petitioners would contend that the petitioners are innocent purchasers from the first accused Rani and that they did not have any intention of cheating anyone. According to them, the first petitioner is a practising advocate and only after verifying the Will executed by Kothandaraman in favour of the first accused (Rani), had purchased the property and therefore, the final report filed by the police in C.C.No.239 of 2020 has to be quashed.

5. Per contra, the learned Government Advocate (Criminal Side) on instructions, would contend that initially the final report was filed before the Special Judicial Magistrate, Anti Land Grabbing Special Cell Cases in C.C.No.239 of 2020 and the same was transferred to the Judicial Magistrate No.II, Sivagangai and renumbered as C.C.No.383 of 2023. He would further contend that the police, after conducting investigation, laid a final report and there is no reason to quash the same.

6. The specific case of the defacto complainant is that Kothandaraman, who is the original owner of the property, died issueless and intestate and his wife executed a Power of Attorney in favour of



CRL OP(MD)No.14686 of 2021

Pattabiraman, Gokulji and Raja. The second respondent / defacto complainant had purchased the property from the Power of Attorney holder of the wife of Kothandaraman. In the meanwhile, the Petitioners along with the first accused (Rani) had created a forged Will, as if she is the daughter of Kothandaraman. It is the clear case of the defacto complainant that Kothandaraman died issueless and Rani is not his daughter. The investigation by the first respondent also revealed the same and the second accused Chelliah, a practising advocate in Madurai, had allegedly created a Will for the purpose of purchasing the property in his favour and in furtherance of the said act got a Power of Attorney deed executed by Rani in favour of the third accused (his wife). Thereafter, the third accused (Pandiammal) had executed a settlement deed in favour of the second accused – Chelliah. Thus the final report spells out prima facie case against the Petitioners for the offences under Sections 120(B), 419, 420, 423, 465, 467, 468 and 471 I.P.C.

7. Whether the accused are innocent purchasers or not can be gone into only after full trial, as it is a disputed question of fact. Accordingly, this Criminal Original Petition stands dismissed.



CRL OP(MD)No.14686 of 2021

WEB COPY

8. The personal appearance of the petitioners before the trial Court is dispensed with for the present. However, they are directed to appear before the concerned Judicial Magistrate as and when their presence is required. Consequently, connected Miscellaneous Petitions are closed.

12.02.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
LS

To

1.The Special Judicial Magistrate,
Anti Land Grabbing Special Cell Cases,
Judicial Magistrate No.II, Sivagangai.

2. The Inspector of Police
Anti Land Grabbing Special Cell,
Sivagangai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

6/7



WEB COPY



CRL OP(MD)No.14686 of 2021

R.HEMALATHA,J.

LS

CRL.O.P.(MD)No.14686 of 2021

12.02.2024