



CRL OP(MD)No.15649 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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**Dated : 08.01.2024**

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**THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

CRL.O.P(MD)No.15649 of 2021  
and  
Crl.M.P(MD) No.8415 of 2021

K.Sami Ayya

... Petitioner

Vs

1.The State rep by  
The Inspector of Police,  
Anti-Land Grabbing Special Wing/  
District Crime Branch,  
Ramanathapuram,  
Ramanathapuram District.  
(Crime No.33 of 2021)

2.G.Malaichamy

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the first information report in Crime No.33 of 2021 under Sections 419, 465, 468, 471, 420, 120(B) IPC dated 21.09.2021 on the file of the first respondent and quash the same as illegal in so far as this petitioner/Accused No.7 concerned.



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**CRL OP(MD)No.15649 of 2021**

For Petitioner : Mr.L.Pinaygash

For R1 : Mr.R.M.Anbunithi  
Additional Public Prosecutor

For R2 : Mr.RR.Thamothar Raj

### **ORDER**

This Criminal Original Petition is filed by the petitioner to call for the records in Crime No.33 of 2021 of Anti Land Grabbing Special Wing/District Crime Branch, Ramanathapuram District and quash the same.

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

The property in Survey Nos.78/2B and 90/5A of Palankula Village belonged to one Shanmugavalli (since deceased), mother of the defacto complaiant. The defacto complainant is her only legal heir. The mother of the defacto complainant died on 19.09.2018. The fourth accused Shanmugavalli, taking advantage of this fact, went to the Sub Registrar's Office, Ramanathapuram and impersonated the deceased Shanmugavalli (original owner of the land) and executed a sale deed in



CRL OP(MD)No.15649 of 2021

favour of Manigandan (A3) on 21.12.2020, who in turn, sold the same to Kadhar Sulthan (A6) on 19.02.2021. Thereafter, the present petitioner, Sami Ayya purchased the property in Survey No.78/2B measuring 1.70 acres of land from the said Kadhar Sulthan on 26.12.2021. Similarly, another portion of the land measuring 1.70 acres in Survey No.90/5A of Palankula Village was also sold to various other persons and they have been arrayed as accused in Crime No.33 of 2021.

3. Mr.L.Pinaygash, learned counsel for the petitioner contented that the petitioner is not aware of the fraud committed by Manikandan (A3) and Kadhar Sulthan (A6) and that the petitioner is a bona fide purchaser for value. According to him, he has been falsely implicated by the defacto complainant and therefore, the FIR registered against him in Crime No.33 of 2021 is to be quashed.

4. Per contra, the learned Government Advocate(crl.side) contended that the accused had impersonated the deceased Shanmugavalli and created documents in favour of the accused Nos.1 to 9. His specific contention is that all the transactions took place within a



**CRL OP(MD)No.15649 of 2021**

short span of two months. Therefore, the offences punishable under Sections 419, 465, 468, 471, 420 and 120(B) IPC are clearly made out as far as the present case is concerned. It is also submitted that the present petitioner is a resident of neighboring village and he knows the defacto complainant and his mother and therefore, he cannot say that without knowing the actual death of Shanmugavalli, he has purchased the land from the fourth accused Shanmugavalli, W/o. Mangalam. Therefore, he prayed for dismissal of the present petition.

5. At the outset, it may be observed that it is not the case of the present petitioner that he verified the parent documents before purchasing the property in Survey No.78/2B. The original title deed in favour of the deceased Shanmugavalli is not produced before this Court to show his bona fides. The contention of the learned counsel for the petitioner is that the petitioner is ready to cancel the sale deed executed in his favour and he has given a representation in this regard to the Superintendent of Police, Ramanathapuram District on 24.09.2021. However the said sale deed is yet to be cancelled. The investigation in the instant case is not completed and a perusal of FIR clearly shows that



**CRL OP(MD)No.15649 of 2021**

a serious fraud has been committed by the accused in order to grab the property of the defacto complainant and the present petitioner. Hence, the Criminal Original Petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

**08.01.2024**

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

- 1.The The Inspector of Police,  
Anti-Land Grabbing Special Wing/  
District Crime Branch,  
Ramanathapuram,  
Ramanathapuram District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**CRL OP(MD)No.15649 of 2021**

**R.HEMALATHA,J.**

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CRL OP(MD)No.15649 of 2021

08.01.2024