



CRL OP(MD). No.21211 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. S.Jeyakumar,
S/o. Satyaseelan,
D.No.27, J.V. Palace,
Nandhini Street,
Velmurugan Nagar,
Bypass Road, Madurai - 16..

2. Anitha,
W/o.S.Jeyakumar,
D.No.27, J.V. Palace,
Nandhini Street,
Velmurugan Nagar,
Bypass Road, Madurai - 16..

... Petitioners/ Accused Nos.2 and 3

Vs

The State of Tamilnadu,
Rep by the Inspector of Police, City
Crime Branch, Madurai City, Madurai.
Cr.No.53 of 2024..

... Respondent/Complainant



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V.R.Ragunath

...Petitioner/Intervener/
Defacto Complainant
in CRL MP(MD)No.13454 of 2024

For Petitioners : Mr.R.Suriya Narayanan,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervener : Mr.R.Gandhi,
Senior Counsel,
for M/s.Gandhi Associates

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.53 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.2 and 3, who apprehend arrest at the hands of the respondent Police for the offences under Sections 420, 465, 468, 471 and 120(B) of IPC in Crime No.53 of 2024, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is a citizen of Malaysia and a person of Indian origin, was owning a property. He is said



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to have executed a general power of attorney in favour of one Thiagarajan (A1) to deal with his property. The said Thiagarajan in connivance with Accused Nos.2 and 3 is said to have forged the signature of the defacto complainant in a life certificate and also forged the signature of the Doctor and fabricated the seal and thereafter, presented a sale deed in favour of Accused No.2 on 25.08.2020. Similarly, a sale deed was executed by Accused No.1 in favour of Accused No.3 with the same life certificate. The further allegation that has been made is that Accused Nos.2 and 3 had the knowledge that the life certificate that was relied upon was a forged document and in spite of the same, they proceeded to deal with the property and thereby, they claimed ownership of nearly 32 cents, which was divided into plots, wherein, five plots were standing in the name of Accused No.2 and other five plots were standing in the name of Accused No.3. Accused No.1 did not submit any accounts to the defacto complainant and thereby, the defacto complainant alleges that he has been cheated and that the documents have been forged and fabricated. Apart from that, a complaint was given before the District Registrar and an enquiry was conducted by the District Registrar and after enquiring both sides, the District Registrar through proceedings dated 24.05.2023 exercised his power under Section 77-A of the Registration Act, 1908 and cancelled the sale deeds executed in favour of Accused Nos.2 and 3 and also other documents, which fell under the same category. It is

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under these circumstances, a complaint came to be given before the respondent Police. There are totally three accused persons in this case and the petitioners have been arrayed as Accused Nos.2 and 3.

3. The learned counsel appearing for the petitioners submitted that Accused Nos.2 and 3 are bona fide purchasers for value which is borne out by bank statements and also the receipt issued by Accused No.1 and therefore, there is absolutely no ground to rope in Accused Nos.2 and 3 in the instant case. He further submitted that the order passed by the District Registrar was put to challenge before this Court in W.P.(MD).No.13188 of 2023 and this Court by an order dated 02.08.2024, set aside the order passed by the District Registrar. It is therefore submitted that insofar as the petitioners (Accused Nos.2 and 3) are concerned, the transactions are all borne out by documents and there is no need for custodial interrogation in this case and that the petitioners are willing to comply with any conditions imposed by this Court and are also willing to co-operate with the investigation.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that Accused No.1 in this case was arrested on 29.11.2024 and his confession has also been recorded. He further submitted that the



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life certificate that was used in this case is a forged document and the seal of the Doctor has been fabricated. He further submitted that the petitioners are well aware about the forgery committed by Accused No.1 and in spite of the same, they have proceeded to purchase the property and further deal with the property. It was further contended that the petitioners will have to be subjected to custodial interrogation and therefore, the learned Government Advocate sought for the dismissal of this petition.

5. The learned Senior Counsel appearing on behalf of the defacto complainant submitted that Accused Nos.2 and 3 are involved in Real Estate Business. It was further submitted that Accused Nos.2 and 3 are claiming as if they are innocent purchasers and whereas, they were also involved in execution of other documents pertaining to other properties, unrelated to the defacto complainant and even in those documents, Accused Nos.2 and 3 were repeatedly using the forged life certificate and the signature of the very same Doctor has been forged and the seal has been fabricated. It was further submitted that Accused Nos.2 and 3 are very much aware about the fraud that is involved in this transaction and their subsequent conduct also shows that they were in connivance with Accused No.1. He further submitted that the investigation has not been properly conducted in this case. The respondent Police



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is now desperately trying to exonerate Accused Nos.2 and 3 by getting a confession from Accused No.1 as if it was only Accused No.1, who was responsible for the forged life certificate. It was further submitted that this case must be investigated in a proper manner and therefore, it requires transfer of investigation to some other agency to bring out the truth in this case. Hence, the learned Senior Counsel sought for the dismissal of this petition.

6. This Court has carefully considered the submissions made on either side and the materials available on records. This Court also had the advantage of going through the case diary that was also placed before this Court.

7. The property in question was owned by the defacto complainant. This person is an Indian by origin, but, he is a citizen of Malaysia. He seems to have a business dealing with Accused No.1 and he executed a power of attorney in favour of Accused No.1 dated 14.07.2020. This power of attorney document was notarized in Malaysia and thereafter, was adjudicated before the Sub Registrar, Joint-IV SRO, Madurai South. This document became the basis for Accused No.1 to deal with the property. The main allegation that has been made by the defacto complainant is that the accused persons had forged the signature of the defacto complainant and had



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managed to prepare a life certificate in which the signature of the Doctor was forged and the Doctor's seal was also fabricated. Using this forged life certificate, the property was dealt with. Thereby, five plots were sold in favour of Accused No.2 and another five plots were sold in favour of Accused No.3 through two registered sale deeds dated 25.08.2020. Thereby, an extent of 32 cents was dealt by Accused No.1.

8. The petitioners, who are Accused Nos.2 and 3, have come up with a specific stand that they are bona fide purchasers and that they are not aware of the fact that the life certificate that was produced by Accused No.1 is a forged document. To substantiate their bona fides, the bank transactions made with Accused No.1 and the receipt given by Accused No.1 were relied upon.

9. It is also not in dispute that a complaint was given to the District Registrar and the District Registrar dealt with the said complaint given by the defacto complainant and came to a conclusion that the sale deeds executed by Accused No.1 in his capacity as power of attorney agent are forged documents and accordingly, exercised his jurisdiction under Section 77-A of the Registration Act, 1908 and cancelled all the sale deeds. While cancelling the same, the sale deeds that were



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executed in favour of Accused Nos.2 and 3 also stood cancelled.

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10. Pursuant to the above order, a Writ Petition came to be filed by Accused No.2 in W.P.(MD).No.25084 of 2024. This Writ Petition challenged the order passed by the Joint Sub Registrar No.I and the refusal check slip issued by the Joint Sub Registrar No.I, Madurai and for a direction to register the settlement deed relating to a particular plot in favour of Accused No.3. This Court by considering the earlier order passed, came to a conclusion that the refusal check slip issued by the Joint Sub Registrar No.I is un-sustainable and consequently directed to entertain the documents presented for registration by Accused No.2. While passing this order, the direction given by this Court was that the Joint Sub Registrar No.I must register the settlement deed that is presented for registration by Accused No.3.

11. After the above order was passed, the said order was registered before the Joint Sub Registrar No.IV, Madurai. In the encumbrance certificate, it has been mentioned that the order passed in W.P.(MD).No.25084 of 2024, dated 22.10.2024 has virtually set at naught the order passed by the District Registrar dated 24.05.2023. Thereby, it paved way for further registration of documents pertaining to the property.



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12. During the course of hearing, the learned Senior Counsel appearing on behalf of the defacto complainant brought to the notice of this Court certain other documents which were executed by Accused Nos.2 and 3 pertaining to other properties where they were acting as power of attorney agents. On going through those documents, it is seen that the life certificate that was relied upon in those documents was also a life certificate, which is said to have been given by the very same Doctor whose signature was forged and whose seal was fabricated, in the present case. This certainly cannot be an innocent coincidence. The fact remains that Accused Nos.2 and 3 are involved in Real Estate business. They are aware of the fact that already the documents that was executed in their favour by Accused No.1 has been questioned on the ground that the life certificate relied upon was a forged and fabricated document. If that is so, it is quite improbable that Accused Nos.2 and 3 will rely upon a similar life certificate in the name of the very same Doctor with the same Doctor's seal. This prima facie shows the conduct of Accused Nos.2 and 3 and they cannot be treated to be innocent in this case. If a person knows that a particular document is questioned due to a fabricated life certificate, any reasonable person will not proceed to execute further documents with a life certificate containing the name of the very same Doctor with the very same seal, which has been found to be forged



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and fabricated. There is absolutely no element of innocence on the part of Accused Nos.2 and 3 in this case. On the face of it, it is seen that Accused Nos.2 and 3 are very much involved in the conspiracy with Accused No.1.

13. Yet another factor to be taken into consideration is that Accused No.2 filed a Writ Petition with an innocuous prayer before the Court challenging the refusal check slip as if he wants to execute a settlement deed in favour of Accused No.3. However, after an order is passed by the Court, he immediately proceeds to register that order before the office of the Sub Registrar and ensures that it is reflected in the encumbrance certificate and the encumbrance certificate now gives a clean chit as if the order passed by the District Registrar has become a nullity. Actually that was not the order passed by this Court in W.P.(MD).No.25084 of 2024 dated 22.10.2024. Hence, by getting an order, Accused Nos.2 and 3 have ensured that they now have a clean chit to deal with the entire property.

14. On carefully going through the case diary, this Court is able to see that there is a slip shod investigation in this case. Virtually, the Police is now attempting to some how exonerate Accused Nos.2 and 3 out of this case by getting some confession from Accused No.1. Even though the FIR was registered in this case on 27.11.2024



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and the only person, who has been arrested was Accused No.1 on 29.11.2024, no steps have been taken to seize the documents and no steps have been taken to collect the life certificate that was used by Accused Nos.2 and 3 while executing other documents. If the investigation is going to be proceeded in this manner, there is no way the offence against the petitioners can be established. Hence this Court is inclined to direct the Commissioner of Police, Madurai City to monitor the investigation. The Commissioner of Police shall appoint an honest Investigating Officer in this case and the investigation shall be monitored and it shall be completed as expeditiously as possible and a Police report shall be filed.

15. In the result, this Court does not find any merits in this case and accordingly, this Criminal Original Petition is dismissed.

sd/-
19/12/2024

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/01/2025
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1.The Commissioner of Police, Madurai City.

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2.The Inspector of Police, City Crime Branch, Madurai City, Madurai.

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

+1 CC to M/s.M/S.GANDHI ASSOCIATES, Advocate (SR-15707[I] dated 20/12/2024)

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-15725[I] dated 20/12/2024)

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-76457[F] dated 24/12/2024)

ORDER

IN

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Date :19/12/2024

RK/SKN (06/01/2025) 12P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023