



CRL MP(MD) No.18015 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.18015 of 2023

IN

CRL OP(MD) No.19203 of 2023

CHITHRA DEVI

... PETITIONERS/
DEFACTO COMPLAINANT

Vs

1 SHEELA

2 THE INSPECTOR OF POLICE

DCB POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.16/2023)

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Cancel the Anticipatory Bail granted in the Court of Madurai Bench of Madras High Court in CrI.O.P.No.19203 of 2023 dt.01.11.2023.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.RAMSUNDARVIJAYRAJ.S, Advocate for the petitioner and of MR.ANANDHAPADMANABHAN, Senior Counsel for MR.S.BASKAR MATHURAM, Advocate on behalf of the Respondent No.1 and MR.S.MANIKANDAN, Government Advocate for the 2nd Respondent, the court made the following order:-



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This Miscellaneous Petition is filed to cancel the anticipatory bail granted to the first respondent by this Court dated 01.11.2023 in CrI.O.P.(MD) No.19203/2023.

2. The case of the prosecution is that the petitioner's mother and brother executed a general power of attorney in favour of one Alexsander and after the demise of the petitioner's mother, one Nagarajan/A1 and Alexsander/A2 had executed a sale deed in favour of A3 by producing fake Life Certificate of the deceased person. Hence, a complaint came to be lodged.

3. The learned Senior counsel appearing for the first respondent would submit that admittedly, there was an oral partition between the petitioner and the second accused and A2 is the owner of the property and executed a sale deed in favour of A3. The petitioner has filed a partition suit in O.S.No.192 of 2012 on the file of the Sub-Court, Sivagangai, and the same was dismissed on 06.06.2022, against which, an appeal has been preferred in A.S.No.7 of 2023 before the Principal District Court, Sivagangai. Instead of working out her remedy before the civil Court, filing the false complaint after a lapse of seven years is not sustainable one. He would further submit that there must be supervening circumstances and in the present case, no supervening circumstances were raised by the petitioner. Hence, he prays for



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dismissal of this petition.

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4. Heard the Learned Government Advocate (Crl.Side) appearing for the second respondent Police.

5. The main ground raised in this petition by the petitioner is that suppressing the fact that the accused Nos.1 and 2 had executed a sale deed in favour of the first respondent/accused No.3 by producing fake Life Certificate of the deceased person, the first respondent has obtained anticipatory bail from this Court. However, no supervening circumstances were brought to the notice of this court as enumerated by the Apex Court in the case of Daulat Ram - Vs - State of Haryana (1995 (1) SCC 349) and therefore, the prayer as sought for by the petitioner cannot be acceded to.

6. For the reason aforesaid, the petition seeking to cancel the anticipatory bail granted to the first respondent cannot be sustained and, accordingly, the same is dismissed.

sd/-
22/01/2024

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/02/2024

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

ssb

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TO

1.THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH(DCB),
SIVAGANGAI,
SIVAGANGAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-973[I] dated 23/01/2024)

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-967[I] dated 23/01/2024)

+1 CC to M/s.S.CHANDRASEKARAN, Advocate (SR-994[I] dated 24/01/2024)

+1 CC TO M/S.MATHURAM LAW ASSOCIATES, SR NO.1869 DATED 23.01.2024

ORDER
IN
CRL MP(MD) No.18015 of 2023
IN
CRL OP(MD) No.19203 of 2023
Date :22/01/2024



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WIKI/VR(21/02/2024) 5P / 9C

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