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Crl.O.P.No.13548 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13548 of 2023

and

Crl.M.P.No.8239 of 2023

B.Murugeswaran

... Petitioner

Vs

1. The Deputy Superintendent of Police,
The Crime Branch, Crime Investigation Department (CBCID),
Metro Wing-I, Egmore,
Chennai – 600 008.

2. Nuttan R Metha

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records on the file of the first respondent in CBCID, Metro Cr.No.10 of 2023 dated 30.08.2022, on the file of the Crime Branch, Crime Investigation Department (CBCID), Metro Wing-I, Egmore and to quash the same as abuse of process of law, illegal and erroneous.

For Petitioner : Mr.V.Raghavachari,
Senior Counsel
for Ms.V.Srimathi

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side) (for R1)



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.10 of 2023 on the file of the first respondent, registered for the offences under Sections 419, 420, 465, 468, 471 and 34 of IPC.

2. The case of the prosecution is that the property comprised in S.No.1417/15B3, situated at Lakshmipuram, Madhavaram Village, Ambattur Taluk. The said property was originally owned by Late. Chimanlal Bakhay and Dharmachand jointly. The said property was partitioned by the decree in O.S.No.374 of 1982. Accordingly, the said Late. Chimanlal Bakhay and Dharmachand owned the property to an extent of 1 acre and 17 cents each. While that being so, the wife of the said Chimanlal Bakhay is the only legal heir after his demise, since they had no other issues. After his demise, the second respondent claimed to be the beneficiary under a Will executed by the said Chimanlal Bakhay dated 22.01.1994. Subsequently, he had executed the settlement deed in favour of his wife in the year 2008. While that being so, the petitioner created fake records and obtained Patta in respect of the very same property. Therefore, the present First Information

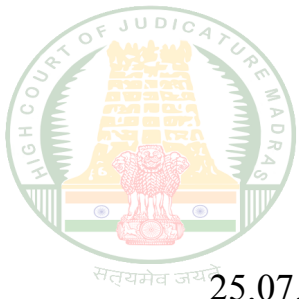


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Report in Crime No.10 of 2023 has been registered by the first respondent for the offences punishable under Sections 419, 420, 465, 468, 471, and 34 of IPC.

3. The learned Senior Counsel appearing for the petitioner would submit that on the demise of the said Chimanlal Bakhay, his wife, being the only legal heir, obtained a legal heirship certificate on 03.02.2009. As per the legal heirship certificate, his wife had sold out the said property in favour of the petitioner. After purchase, he is in possession and enjoyment of the said property for the past several years. In the year 2021, the second respondent lodged the present complaint with the above-said allegations. The second respondent claimed the property through the Will deed dated 22.01.1994. Thereafter, the second respondent also executed the settlement deed in favour of her husband. The second respondent's husband filed a petition before this Court to probate the Will, and subsequently, the same was converted into Testamentary Original Suit in T.O.S.No.25 of 2011. The petitioner also impleaded himself as a party. Subsequently, the said T.O.S.No.25 of 2011 was dismissed by the judgment and decree dated



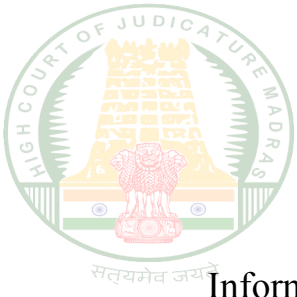
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25.07.2022. Hence, he prayed to quash the First Information Report.

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4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent and perused the materials available on record.

5. On a perusal of the Judgement passed by this Court in T.O.S.No.25 of 2011, it reveals that the second respondent's husband failed to prove the Will dated 22.01.1994 by examining the attesting witnesses. Therefore, he is not entitled to obtain a Letter of Administration in respect of the Will dated 22.01.1994. Accordingly, the entire complaint is a false one, and in order to grab the property, the second respondent's husband fabricated the Will dated 22.01.1994 and had executed the settlement deed in favour of the second respondent. Therefore, there is no offence made out against the petitioner, who is a *bona fide* purchaser of the subject property. The other accused, A1 to A3, are none other than the witnesses of the sale deed and the persons who arranged the sale in favour of the petitioner herein. Though the petitioner/A4 alone filed this petition to quash the First



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Information Report, in view of the above, the First Information Report cannot be sustained against all the accused persons, since no offence is made out against them.

6. Accordingly, this Criminal Original Petition is allowed and the impugned First Information Report in Crime No.10 of 2023 is hereby quashed all the accused persons. Consequently, the connected Miscellaneous Petition is closed.

07.04.2025

Index:Yes/No
Neutral Citation/Yes/No
kv

To

1. The Deputy Superintendent of Police,
The Crime Branch, Crime Investigation Department (CBCID),
Metro Wing-I, Egmore,
Chennai – 600 008.
2. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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