

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 1409 OF 2017  
(Arising out of S.L.P. (Crl.) No. 1487 of 2017)

A RAMESH

Appellant(s)

VERSUS

STATE BY THE INSPECTOR OF POLICE & ORS.

Respondent(s)

O R D E R

1) Leave granted.

2) The present appeal is against a judgment dated 10.11.2016 of the High Court of Judicature at Madras by which F.I.R. No. 407/2007 against the Respondent Nos. 2 and 3 has been quashed. The High Court has held in para 19 that there is nothing to show that the petitioners, with dis-honest intention, got executed the Power of Attorney as well as sale deed in their favour, especially when there is not even a whisper as to their knowledge about the earlier sale deed in favour of the temple.

3) In our opinion, this statement is not correct in view of what is stated in the F.I.R. which reads as follows:-

"Now with a view to again grab the property we come to know that one Mr. T.T.K. Duraisingam son of Mr. A. Gothandaraman colluding with one Mrs. Sumathi claiming to be the Power Agent of Dillibai, who was a party to all the proceedings earlier have created documents in Doc. No. 1465 of 2006 dated 09.03.2006 and Doc. No. 1630 of 2006 dated 16.03.2006 by selling the entire 6.80 acres of land in favour of Mr. T.T.K. Duraisingam which is belonging to the temple Trust. When applied

for certified copy of the above documents, we are informed by the Sub-Registrar, Neelangarai that the copies cannot be given as the documents have been referred for under valuation. Whereas the said Mr. T.T.K. Duraisingam relying on these created documents has now filed a case before District Munsiff Court, Alandur in O.S. No. 436 of 2006. Before the Court he has filed the documents attested by Mr. B. Selvaraj, Advocate, Notary Public & Commissioner of Oaths to have been verified with the originals.

Dillibai, Sumathi and T.T.K. Duraisingam have colluded together with the view to cheat the temple Trust and have created documents in their favour and have grabbed the property. The Sub-Registrar, Neelangarai, knowing well that the Document registered in Doc. No. 1465 of 2006 dated 09.03.2006 and Doc. No. 1630 of 2006 dated 16.03.2006 is opposed to public policy as it is a temple property have colluded with them and have allowed to register the sale deeds inspite of specific bar issued by Government Orders. Further we are even denied the certified copy of the Documents when the copy of the document has now been filed by T.T.K. Duraisingam in Court and has also been attested by Commissioner of Oaths to having been verified with original."

- 4) In this view of the matter, we set aside the judgment of the High Court as this was not a fit case for quashing.
- 5) The appeal is allowed accordingly.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(SANJAY KISHAN KAUL)

New Delhi;  
August 11, 2017.

ITEM NO.49

COURT NO.13

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1487/2017

(Arising out of impugned final judgment and order dated 10-11-2016  
in CRLOP No. 5942/2010 passed by the High Court Of Madras)

A RAMESH

Petitioner(s)

VERSUS

STATE BY THE INSPECTOR OF POLICE &amp; ORS.

Respondent(s)

Date : 11-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Jayanth Muth Raj, Adv.  
Ms. Malavika Jayanth, AOR

For Respondent(s) Mr. S. Balakrishnan, Sr. Adv.  
Mr. R. Gopalakrishnan, AOR

Mr. M. Yogesh Kanna, AOR  
Ms. Nithya, Adv.  
Mrs. Maha Lakshmi, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)  
COURT MASTER

(SAROJ KUMARI GAUR)  
COURT MASTER

(Signed order is placed on the file)