

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE,
SALEM.

Present: **Tmt.S.Sumathy, M.L.,**
Principal Sessions Judge,
Salem.

Thursday, this the 02nd day of April, 2026

CRIMINAL MISCELLANEOUS PETITION No.3247/2025
(CNR.No.TNSA010062482025)

in

(C.A.No.683/2007 on the file of the Hon'ble High Court, Madras)

in

(S.C.No.170/2006 on the file of the Sessions Judge, Mahila Court, Salem)

D.Aravindkumar (19),

S/o P.Dhanapal

...Petitioner/then Minor.

In

P.Dhanapal

....Accused.

Vs

State:Rep. by the Inspector of Police,
Veeranam PS.

...Respondent/Complainant.

This petition came up on 26.03.2026 for final hearing before me, in the presence of Thiru.S.Rajkumar and Thiru.S.Prabakaran, Advocates for the petitioner/then Minor and Thiru.P.Thambidurai, Public Prosecutor for the respondent/complainant and upon hearing the arguments of both sides and upon perusing the petition, affidavit and other case records and having stood over for consideration till this date, this Court passed the following:

ORDER.

This petition is filed by the petitioner u/sec.498 of BNSS, to pass an order to return the original settlement deed dated:13.03.2015 which is registered as Doc.No.931/2015 on the file of SRO, Ayothiyapattinam, Salem to the petitioner on undertaking.

2) It is revealed from the petition averments and records that the petitioner's father namely P.Dhanapal was charged by the respondent/complainant for the alleged offences u/sec.366-A and 376 of IPC in Cr.No.84/2005 and he faced the trial of the Sessions Case in S.C.No.170/2006 before the Sessions Judge, Mahila Court, Salem and on 02.07.2007 the learned Sessions Judge, Mahila Court, Salem found the accused P.Dhanapal guilty for the offences u/sec.366-A and 376 IPC and sentenced him to undergo RI for 03 years and to pay a fine of Rs.500/- i/d to undergo 03 months imprisonment for the offence u/sec.366-A IPC and to undergo RI for 07 years and to pay a fine of Rs.500/- i/d to undergo RI for 03 months for the offence u/sec.376 of IPC.

3) Aggrieved over the said judgment, conviction and sentence passed by the learned Sessions Judge, Mahila Court, Salem in S.C.No.170/2006 dated:02.07.2007, the accused P.Dhanapal preferred an appeal before the Hon'ble High Court, Madras in Criminal Appeal No.683/2007 and the Hon'ble High Court, Madras vide the judgment dated:23.03.2015 has set aside the judgment, conviction and sentence passed by the learned Sessions

Judge, Mahila Court, Salem and acquitted P.Dhanapal from the charges.

4) The learned Counsel for the petitioner has submitted that during the pendency of the Criminal Appeal, the learned Counsel appeared for the accused P.Dhanapal has put-forth an argument before the Hon'ble High Court, Madras that the father of accused P.Dhanapal namely Periyasamy had settled a property in favour of the petitioner, who born through the accused P.Dhanapal to P.W.3 Nalini in S.C.No.170/2006 appointing the learned Principal District Judge, Salem as Guardian to the petitioner and produced a copy of settlement deed. He further has submitted that the Hon'ble High Court, Madras has directed the accused P.Dhanapal to produce the original settlement deed before this Court and also directed this Court to receive the document and act as guardian to the petitioner/then minor till he attains majority and after he attaining majority handover the document to him. He further has submitted that as per the direction of the Hon'ble High Court, Madras, on 02.03.2017, the accused P.Dhanapal has produced the original settlement deed dated:13.03.2015 before this Court and now the document is under the safe custody of this Court as per the order of this Court in CMP.No.807/2017 dated:02.03.2017. He further has submitted that the date of birth of the petitioner is 28.03.2006 and now he attains majority and therefore, the petitioner is entitled to get the original settlement deed dated:13.03.2015 from the safe custody of this Court and prayed to allow this petition.

5) Now the Point for consideration is that whether the petitioner is entitled to get the relief as prayed for in the petition?

6) The learned Public Prosecutor has filed a counter and submitted that the date of birth of the petitioner D.Aravindkumar is 28.03.2006 and now he attains majority and hence, he prayed to pass suitable order. He further has produced the report of the respondent/complainant along with the certificate issued by the Headmaster of Government Higher Secondary School, Sukkampatti, Salem.

7) On perusing the case records, it is seen that the Hon'ble High Court, Madras in its judgment passed in Crl. Appeal No.683/2007 on 23.03.2015 has held as,

“....During the course of the argument, the learned Counsel appearing for the appellant submitted that the appellant's father namely Periyasamy has settled a property in favour of the male child, viz., D.Aravindkumar, born through the appellant and P.W.3 appointing the learned Principal District Judge, Salem as guardian and produced a copy of the settlement deed.

The appellant is directed to produce the original settlement deed along with a proper

application before the learned Principal District Judge, Salem. The learned Principal District Judge, Salem is also directed to receive the same and act as guardian to the minor till attains majority and hand over the same to the said D.Aravindkumar after he attains majority...”

Thereafter as per the above direction of the Hon'ble High Court, Madras, the original settlement deed dated:13.03.2015 executed in the name of the petitioner has been produced before this Court and this Court ordered to kept the same in its custody till the minor attains majority in CMP.No.807/2017 dated:02.03.2017 and hence, the original settlement deed is in the custody of this Court. Further the photocopy of birth certificate and Aadhar card of the petitioner are produced by the petitioner herein on 25.09.2025. On perusing the birth certificate of the petitioner, it is seen that the date of birth of the petitioner is 28.03.2006. hence, it is clear that now the petitioner attains majority. As the petitioner attains majority, the said settlement deed has to be handed over to the petitioner as per the order of the Hon'ble High Court, Madras and hence, this Court is inclined to consider the plea of the petitioner and this point is answered accordingly.

Finally, this petition is allowed and the original settlement deed dated:13.03.2015 which is registered as Doc.No.931/2015 on the file of

SRO, Ayothiyapattinam, Salem is ordered to be returned to the petitioner herein on proper identification.

Pronounced by me in Open Court, this the 02nd day of April, 2026.

Sd./S.Sumathy,
Principal Sessions Judge,
Salem.
02.04.2026

Order (True Copy) in

CMP.No.3247/2025

Dated:02.04.2026

