



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17683 of 2026

AND

CRL MP NO. 11782 OF 2026

1. J.Muthurajan
S/o.S.Jadamuni, No.Y-135, Plot No.S-1,
Y-Block, Amiety Plot, 2nd Street, Anna
nagar, Chennai-600 040.

Petitioner(s)

Vs

1. The State rep.by
The Inspector of Police (CCB-II), CCB
Avadi City Police Station, No.206,
Nehru Bazar road, Avadi, Chennai-600
054. Cr.No.160 of 2018.

2.K.Megala
W/o.Kanaga Sabapathy, Plot No.168,
D.No.7/1, Sridharan street, Ayavoo
colony, Aminjikarai, Chennai-600 029.

Respondent(s)

PRAYER: This Criminal Original Petition is filed under Section 528 BNSS, to call for the records and Quash petition by invoking U/s.420, 465,467, 468,471 and 34 of Indian Penal Code in C.C.No.131 of 2025 on the Judicial Magistrate No.II at Ponneri, Thiruvallur Insofar as the petitioner/Accused is concerned in the interest of Justice.

For Petitioner(s): Mr. S. Venkatesan
for R.Arunkumar

For R1 : Mr. M. Mohamed Riyaz,
Government Advocate (Crl. side)

**ORDER**

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This Criminal Original Petition has been filed to quash the C.C No. 131 of 2025 pending on the file of the Judicial Magistrate No. 2, Ponneri.

2. Upon perusal of the complaint of the final report, the gist of the allegation is that the defacto complainant Mekala purchased the subject matter property by way of sale deed bearing document No. 1778/1997 executed by petitioner Muthurajan as the power of attorney agent of Loganathan. Subsequently, when she verified the Encumbrance certificate, the petitioner Muthurajan claiming himself as the power of attorney agent of the same Loganathan had executed a sale deed in the year 2009 bearing document No. 350/2009 in the name of Nithin Jain as such the complaint is given, after completion of investigation the final report is filed.

3. The learned counsel for the petitioner would submit that when the petitioner did not file any proceeding to set aside subsequent sale deed which happened in the year 2009 after such lapse of time she cannot maintain a complaint. Secondly, he would submit that even if there is any mistake same can be rectified.

4. The learned Government Advocate (Crl. Side) would submit that petitioner is also having 4 other cases to his credit so far.



5. As far as the contention that the petitioner Mekala should have filed set aside petition before the Sub Registrar or before the Court concerned, the same need not be filed because her sale is of the year 1997 and the property vested in her since 1997 . It is with reference to her property, the petitioner has chosen to execute sale deed in the year 2009. Therefore, mere criminal complaint is enough and she need not go to any civil Court or before the Sub Registrar to annul the second deed and the complaint would be maintainable. As far as plea of mistake is concerned, till date same is not rectified and it cannot be pleaded as mistake. It is open for the parties to rectify the mistake and cancel the sale deed, and thereafter take that plea.

6. With the aforesaid observations, the prayer in the criminal original petition cannot be countenanced and as such, the same stands dismissed. Consequently, connected miscellaneous petition is closed.

09-07-2026

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Neutral Citation : No

To

1. The Judicial Magistrate No.II at Ponneri, Thiruvallur.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police (CCB-II), CCB Avadi City Police Station, No.206, Nehru Bazar road, Avadi, Chennai-600 054.



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**D.BHARATHA
CHAKRAVARTHY J.**

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**CRL OP No. 17683 of
2026
AND CRL MP NO.
11782 OF 2026**

09-07-2026