

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.17395 of 2010

and

M.P.No.1 of 2010

1. P.Baskaran
2. B.Parameshwari
3. R.Rangasamy
4. R.Padmapriya

... Petitioners

Vs.

1. The Superintendent of Police
Dharmapuri District
Dharmapuri
2. State rep. by
The Inspector of Police
Pappireddipatti Police Station
Dharmapuri District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records to the complaint in Crime No.126 of 2010 on the file of the 2nd respondent, so far as the petitioners are concerned and quash the same.

For Petitioners : Mr.S.Kumaradevan

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records in Crime No.126 of 2010 on the file of the 2nd respondent, so far as the petitioners are concerned and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3. On the complaint lodged by one Ramachandran, Founder and Secretary of Sri Ramachandra Educational Trust, Coimbatore, the respondent police have registered a case in Crime No.126 of 2010 on 13.05.2010 u/s.420 IPC against the petitioners herein, challenging which the petitioners are before this Court.

4. It is the case of the de facto complainant that, the petitioners were running Sri Ranganathar Trust and they were not able to administer the Trust properly and therefore, they came forward to sell the properties belonging to the Trust to the petitioner's Trust.

5. Accordingly, the defacto complainant purchased 6.39 cent lands in Alamelu village belonging to the petitioners by a sale deed dated 24.08.2009. It is alleged by the de facto complainant that, the petitioners had suppressed a pathway in the land that is said to be belonging to one Annamalai and Palanivel and had sold the property.

6. Mr.S.Kumara Devan, learned counsel for the petitioners submitted that, the petitioners did not suppress the fact as could be seen from the sale agreement dated 24.04.2009 that was entered into between the parties prior to the sale.

7. This Court perused the sale agreement dated 24.04.2009, wherein there is a clear averment in paragraph no.3 that there is a 20 feet pathway belonging to one Annamalai and Manickam.

8. Hence, this Court does not find any suppression by the petitioners herein. However, the respondent police is directed to conduct a thorough investigation bearing in mind the recitals in the agreement dated 24.04.2009 and either close the case or take action in accordance with law, within six months from the date of receipt of a copy of this order.

9. With the above observations, this petition is closed. Consequently connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

dpq

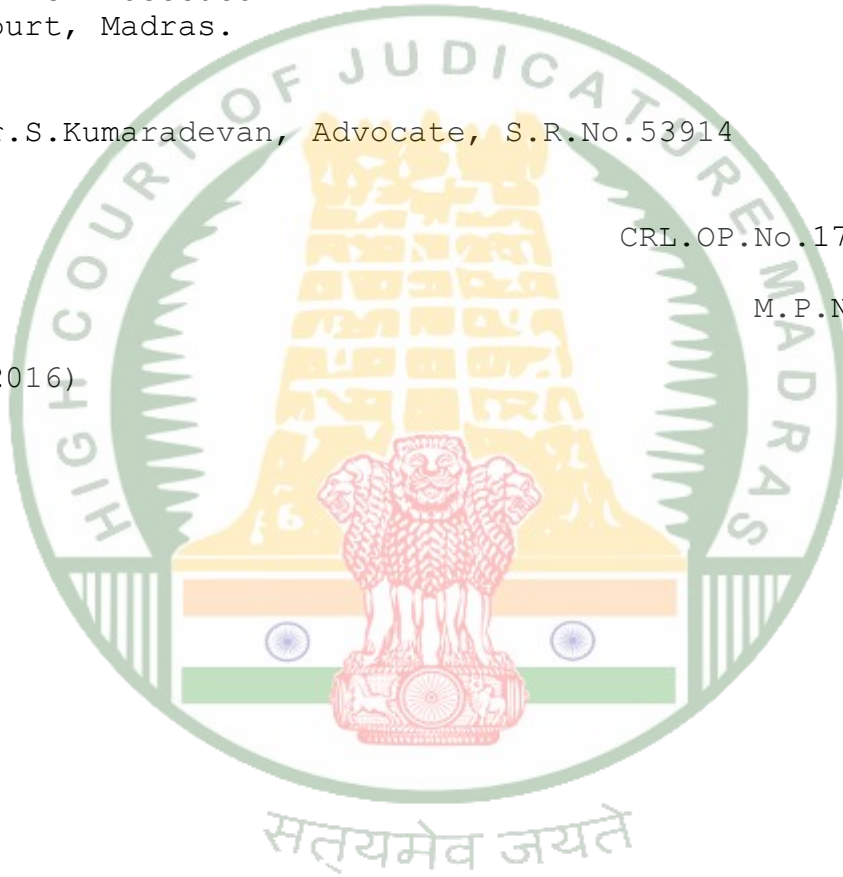
To

1. The Superintendent of Police
Dharmapuri District
Dharmapuri
2. The Inspector of Police
Pappireddipatti Police Station
Dharmapuri District.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.S.Kumaradevan, Advocate, S.R.No.53914

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SR(CO)
CA(01/11/2016)



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