

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.14632 of 2012
and
MP.No.1 of 2014

J.Terrance Rodrico

..Petitioner

Vs.

1. The State

Represented by Inspector of Police
District Crime Branch
Kancheepuram.
Crime No.159 of 2011.

2. A.R.Chakravathi

.. Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in C.C.No.181 of 2013 on the file of the learned Judicial Magistrate No.II, Chengalpattu and quash the same as against the petitioner.

For Petitioner : Mr.N.R.Elango, Senior Counsel
For M/s.R.Vivekananthan

For R1 : Mr.Mohammed Riyaz,
Government Advocate (Crl. Side)

For R2 : Mr.K.Elango

सत्यमेव जयते
O R D E R

Petitioner seeks quash of proceedings in C.C.No.181 of 2013 on the file of the learned Judicial Magistrate-II, Chengalpattu.

2. Heard learned counsel for petitioner, learned Government Advocate for 1st respondent and learned counsel for 2nd respondent.

3. Petitioner is the third accused in C.C.No.181 of 2013 on the file of the learned Judicial Magistrate No.II, Chengalpattu pending trial for offences under Sections 120(B), 419, 420, 423, 465, 468 and 471 IPC. On the complaint of 2nd respondent, a case in Crime No.159 of 2011 was registered by 1st respondent on

07.12.2011. Pursuant to investigation, a final report was filed informing commission of the above mentioned offences, leading to C.C.No.181 of 2013.

4. A fair reading of the complaint reveals that the de-facto complainant's father had been granted the property in the year 1971, that he bequeathed the same to the de-facto complainant and his brother, under a registered Will dated 22.03.1996 and 1st accused joined hands with 2nd accused and created a false document of title for the above said property and such document was registered as Doc.No.779 of 1997 on 20.02.1997 in the Sub-Registrar's Office, Thiruporur. The father of the de-facto complainant learnt thereof in the year 2005 and on his communication dated 21.12.2005, Tahsildar, Chengalpattu conducted an enquiry. The father of the de-facto complainant died on 29.04.2006. Thereafter this petitioner has been arrayed as 4th accused in the FIR, as he had purchased the property under Sale Deed Doc. Nos. 857/2007 and 858/2007 on 01.02.2007.

5. Learned Senior Counsel for petitioner submitted that the very circumstances do not point to any criminality of the petitioner. The first respondent had, in filing the charge sheet, chosen not to array the other purchaser Velu as an accused, because such person had effected reconveyance in favour of the de-facto complainant.

6. Learned Government Advocate (Crl. Side) submitted that, if the petitioner's plea of his becoming aware of the defect in the title of his vendor be true, he ought to have effected reconveyance to the de-facto complainant.

7. Learned counsel for 2nd respondent contended that in the 161(3) Cr.P.C. Statement, the other purchaser Velu informed that he has purchased the property at the instance of this petitioner, who compelled him to purchase the property informing that the property could be purchased at a very meagre rate. Learned counsel also submitted that from the very fact that the sale value was very meagre, criminality can be imputed to the petitioner.

8. It is admitted case that even the father of the defacto complainant came to know of the false document of the year 1997 only in 2005. In the absence of any material to indicate that petitioner had knowledge of the falsity of the document of title of the year 1997, his purchase of the year 2007 can only be seen as innocent.

9. In the above said circumstance, the petition shall stand allowed and case in C.C.No.181 of 2013 on the file of the learned Judicial Magistrate No.II, Chengapattu shall stand quashed in so far as this petitioner is concerned. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II,
Chengalpattu.

2.The Inspector of Police
District Crime Branch
Kancheepuram.

3.The Public Prosecutor,
High Court, Madras.

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+1cc to Mr.K.Elango, Advocate, S.R.No.19983

+1cc to Mr.R.Viveknathan, Advocate, S.R.No.20137

KJI (CO)
RS (20/06/2017)

सत्यमेव जयते

Cr1.O.P.No.14632 of 2014

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