



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.O.P. (MD) No.10237 of 2017****and****CRL.MP. (MD) Nos.6994 & 6995 of 2017**

WEB COPY

S.Senthivel

: Petitioner/Sole Accused

-Vs-

1. The Inspector of Polcie,
Keelathooval Police Station,
Mudukulathur Taluk,
Ramanathapuram District.
(Crime No.18 of 2015)

: Respondent/Complainant

2.M.Paribalan

: Respondent/Defacto-complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the Charge Sheet in C.C.No.154 of 2016, in Crime No.18 of 2015, dated 29.03.2015, registered under Section 420 of IPC., on the file of the first respondent police, which is now pending before the learned Judicial Magistrate Court, Muthukulathur, Ramanathapuram District and quash the same.

For Petitioner : Mr.T.Lajapathi Roy

For 1st Respondent : Mr.K.Anbarasan

Government Advocate(Crl.Side)

O R D E R

This Petition is filed to quash the proceedings in C.C.No.154 of 2016, on the file of the learned Judicial Magistrate, Ramanathapuram District.

2. The case of the petitioner is that on the basis of the complaint given by the 2nd respondent, a case was registered in Crime No.18 of 2015, under Section 420 of IPC., against the petitioner/sole accused on the file of the first respondent police. The petitioner himself admitted that as per the complaint, the 2nd respondent and the petitioner entered into an agreement of sale in respect of the petitioner's property situated in Survey No.187/12, Patta No.109 to an extent of 5 acres 24 cents and received a sum of Rs.2,40,000/- (Rupees Two Lakhs and Forty Thousands Only) from the second respondent/defacto complainant, out of 2,50,000/- (Rupees Two Lakhs and Fifty Thousands Only),



which is the full sale consideration. On the allegation that the petitioner either refused to execute the sale deed or return the money, which was received from the defacto complainant, the said complaint was given and after enquiry, charge sheet also was filed on the same line.

3. The contention of the learned counsel for the petitioner is that the defacto complainant gave a false complaint. It was further stated that it is the petitioner, who is the victim as the cousin of the defacto complainant had already received a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs) from the petitioner. Only in order to prevent the petitioner from the recovery of huge sum of Rs.15,00,000/- (Rupees fifteen lakhs only), the defacto complainant has given the false complaint and the case has been registered against the petitioner. Hence, the petitioner has come up with this quash petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

5. The contention of the learned counsel for the petitioner has no merits. First of all, the complaint which was registered in Crime No.18 of 2015 clearly indicates the commission of cognizable offence as against the petitioner. The charge sheet in C.C.No.154 of 2016 also establish the same. Merely because of the petitioner denies the allegation, the petition to quash the First Information Report or charge sheet cannot be entertained on the basis of the probabilities or lack of materials.

6. Further contention on the basis of the document, dated 15.07.2011, is also false and as per the said document, the petitioner paid a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the cousin of the defacto complainant. The petitioner has purchased the property from the cousin of the defacto complainant. However, this documents further states that the petitioner has agreed to resale the same property, in case the cousin of the defacto complainant return the amount of Rs.15,00,000/- (Rupees Fifteen Lakhs only). This agreement to repurchase cannot be construed as one, by which the defacto complainant can use the same for any purpose to embarrass the petitioner.

7. As a matter of fact, the nature of agreement, dated 15.07.2011 shows that the petitioner is a moneylender. Merely because, he has purchased the property with an agreement to re-sale the same to the cousin of the defacto complainant, the petitioner cannot claim that he is the victim and the nature of transaction as found in the document relied upon by the petitioner does not support anything of that nature. Hence, there is no substances or merits in the case and this Court is not inclined to quash C.C.No.154 of 2016 on the file of the learned Judicial



Magistrate, Mudukulathur, Ramanathapuram District.

8. Therefore, this Criminal Original Petition is dismissed with cost of Rs.500/- (Five Hundred Only) to be paid by the petitioner to the credit of the Chief Justice Relief Fund. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Muthukulathur,
Ramanathapuram District.
2. The Inspector of Police,
Keelathooval Police Station,
Mudukulathur Taluk,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

1. The Registrar (Admin)
Madurai Bench of Madras High Court, Madurai.
 2. The Deputy Registrar (Accounts),
Madurai Bench of Madras High Court, Madurai.
 3. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate, SR No. 70853.

PJL

PSM/SKN-RSK/SAR2/22.08.2017/3P/8C

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