



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASHCrl.O.P. (MD) No.22289 of 2016
and Crl.M.P.No.11566 of 2016

- 1.R.Kazhaniya
- 2.C.Rabeekraja
- 3.A.Jalal
- 4.M.Pandi

...Petitioners/Accused Nos.1 to 4

-vs-

- 1.State represented through
the Inspector of Police,
District Crime Branch, Madurai.
Crime No.122/2012

...1st Respondent/Complainant

- 2.Chinnaponnu

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the case in C.C.No.18 of 2016 on the file of the Judicial Magistrate Court No.I, Madurai herein and quash the same.

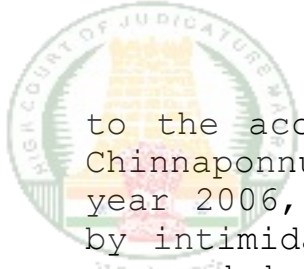
For Petitioner	: Mr.S.Saravanakumar
For Respondents	: Mr.R.Rajarathinam
	State Public Prosecutor assisted by
	Mr.K.Anbarasan for R1
	Govt. Advocate (Crl.Side)
	Mr.K.Prabhu for R2

O R D E R

On the complaint lodged by Chinnaponnu/2nd respondent/de-facto complainant, the first respondent registered a case in Crime No.122/2012 on 01.09.2012 and after completing the investigation, filed chargesheet before the Judicial Magistrate, No.I, Madurai, in C.C.No.18/2016 under Sections 120(B), 420 and 506(i) IPC against four accused. Challenging which, the accused are before this Court.

2.Heard the learned counsel for the petitioner, the learned Public Prosecutor for the State for R1 and the learned counsel for the 2nd respondent.

3.It is the case of the prosecution that the land measuring 1000 cents in S.No.10 of Malampatti Village originally belonged to one Dharmalingam and his brother Dharmar. After the death of Dharmalingam, the land was sold by his widow Chinnaponnu



to the accused by a deed of sale dated 03.10.2006. Thereafter, Chinnaponnu gave a complaint in the year 2012 alleging that in the year 2006, the accused had purchased the land at a very low price by intimidating and forcing her to execute the sale deed that the accused had agreed to purchase the land for Rs.14,77,000/-, but had paid her only Rs.1 lakh and a cheque for Rs.3 lakhs given by the accused was dishonoured. On this complaint, an FIR was registered as stated above and chargesheet has been filed against the accused for the aforesaid offences.

4. The learned counsel for the petitioners submitted that the land was sold by Chinnaponnu in the year 2006 to the accused on the premise that she is the absolute owner of the property. Later, it came to light that her brother-in-law Dharmar also has a share in the property. This was suppressed by Chinnaponnu and therefore, the accused withheld Rs.3 lakhs that was payable to Chinnaponnu. Dharmar, who was abroad, came to India and on finding that his sister-in-law Chinnaponnu had sold the property, in which, he has a share, he executed a settlement deed dated 21.06.2007 in respect of his share in the same property in favour of his wife, so that, the accused cannot enjoy the entire property as their own.

5. Refuting the contention of the learned counsel for the petitioners, the learned counsel for the de-facto complainant submitted that Chinnaponnu is an innocent villager and she was duped into the transaction by the accused by force and coercion.

6. This Court gave its anxious consideration to the rival submissions.

7. The admitted fact of Chinnaponnu is that she has executed the sale deed dated 03.10.2006 in favour of the accused. It is not her case that her signature was forged in the sale deed. It is her case that they had forced her to sell the land for low price. From the records produced, on a reading of the sale deed dated 03.10.2006, it is seen that Chinnaponnu has sold the property, as if she is the absolute owner of the property. She has suppressed the fact that her brother-in-law Dharmar also has a share in the property. On coming to know of the same, Dharmar has executed a settlement deed dated 21.06.2007 in favour of his wife in respect of his share in the property. Therefore, the original revenue records shows that the land in question stands in the name of the accused and Dharmar. After having sold the land in the year 2006, the claim of Chinnaponnu in the year 2012 that she was duped by the accused into selling the land by her sounds unbelievable. The remedy for her is to challenge the sale deed dated 03.10.2006 by filing a suit for declaration before the civil court and not by way of a criminal prosecution.



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8. In the result, this petition is allowed and the case in C.C.No.18 of 2016 is hereby quashed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To:

1.The Judicial Magistrate, No.I, Madurai.

2.The Inspector of Police,
District Crime Branch, Madurai.3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.K.Prabhu, Advocate, SR.No.53310

RR

RL/5C/3P/MR/8.5.2017

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