



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.16108 of 2011

and

M.P. (MD) Nos.1 and 2 of 2011

1.Aarayammal
2.Kaliyappan
3.Palaniyappan

... Petitioners/Accused No.1 to 3

Vs.

1. The Inspector of Police,
District Crime Branch,
Dindigul.
(Crime No.16 of 2009)

2. Sub-Inspector of Police,
Thadicombu Police Station,
Thadicombu, Dindigul District. ... Respondents 1 and 2/
Complainant

3.Packiyam ...3rd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.334 of 2011 on the file of the Learned Judicial Magistrate No.II, Dindigul and quash the same as illegal.

For Petitioner : Mr.R.R.Kannan

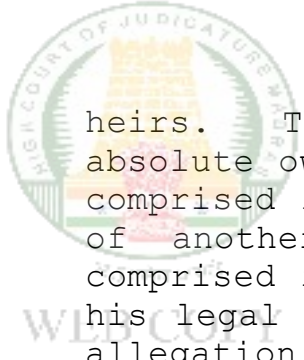
For R1 and R2 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

For R3 : Mr.Sulthan Basha
for M/s.M.Ajmal Associates.

ORDER

This Criminal Original Petition has been filed under Section 482 Cr.P.C., to call for the records in C.C.No.334 of 2011, on the file of the Learned Judicial Magistrate No.II, Dindigul and to quash the same.

2.The sum and substance of the complaint is that the defacto complainant is the wife of one Muthusamy and the said <https://hcservices.ecourts.gov.in/hcservices/> on 27.01.2006 at CMC Hospital, Vellore, leaving behind his wife Packiyam and mother Aarayammal, as his legal



heirs. The defacto complainant/wife of the Muthusamy was the absolute owner of a vacant site measuring an extent of 2160 Sq.ft. comprised in Survey No.755/1 at Balakrishnapuram Village and owner of another vacant site measuring an extent of 1219 Sq.ft. comprised in Survey No.389/1 at Seelapadi Village. Leaving behind his legal heirs, no other child was for the said Muthusamy. The allegation against the first petitioner/ the mother in law of the defacto complainant is that she had executed a sale deed in favour of A2 and A3. Against which, a said criminal case was filed before the first respondent/Law Enforcing Agency. After the investigation, the Law Enforcing Agency filed a charge sheet before the Competent Court.

3.At this Juncture, A2 and A3 cancelled the sale deed registered dated 11.02.2008 by her mother. The said document was cancelled by A2 and A3 on 05.12.2017 bearing document No.4673.

4.In view of the above, the allegation regarding the sale in the year 2008 itself cancelled by these accused persons. Hence, continuity of the prosecution against the persons is unwarranted.

5.The learned counsel appearing for the defacto complainant and learned Government Advocate (Criminal side) appearing for the State also fairly conceded the request of the learned counsel for the petitioners.

6.In view of the said submission of the learned counsel for the petitioners, I am inclined to quash the complaint in C.C.No.334 of 2011, on the file of the Learned Judicial Magistrate No.II, Dindigul. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

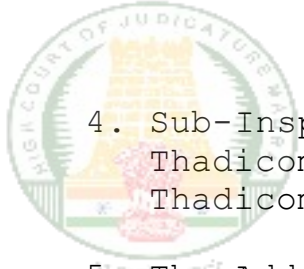
Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Dindigul.
2. -Do- Through Chief Judicial Magistrate,
Dindigul.
3. The Inspector of Police,
Dindigul.



4. Sub-Inspector of Police,
Thadicombu Police Station,
Thadicombu, Dindigul District.

5. The Additional Public Prosecutor,
Madurai Bench of the Madras High Court,
Madurai.

+1cc to Mr.R.R.Kannan, Advocate Sr.No.93319
+1cc to M/s.M.Ajmal Associates, Sr.No.93276

CP/TSG

VB/KK/SAR4/10/01/2018/3P/8C

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