



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2018

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CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.23 of 2018

T.Ramasamy : Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Theni District.
Cr.No.15 of 2014.

2.Subramani

3.Selvakumar

4.Manibalan

5.Murugan

6.Sumathi

7.Ahamed Naseerkhan

8.Khan Abdul Kabarkhan

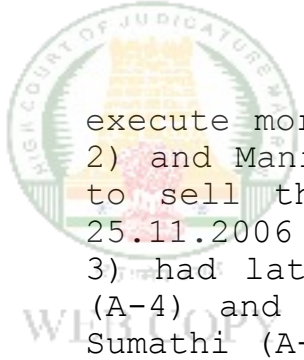
: Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to set aside the order dated 03.12.2016 passed in R.C.S.No.3 of 2016 in Crime No.15 of 2014 on the file of the Special Court for Land Grabbing Cases, Theni.

For Petitioner	: Mr.R.Suriya Narayanan
For Respondent No.1	: Mr.M.Asokan, Government Advocate (Crl.side)
For Respondents 2to4	: Mr.K.Guhan
For Respondents 5&6	: No Appearance
For Respondents 7&8	: Mr.T.Lajapathi Roy

ORDER

It is the case of Ramasamy that he had borrowed a total amount of Rs.5,50,000/-, namely, Rs.1,50,000/- on 18.10.1999; Rs.1,00,000/- on 30.10.1999 and Rs.3,00,000/- on 20.09.1998; that Ramasamy had also executed a pronote in favour of Selvakumar(A-2), in which, Subramani(A-1) had signed as witness; that Ramasamy had permitted Selvakumar (A-2) to sell the coconut in the land belonging to him and adjust the amounts towards the loan; that Ramasamy was forced to

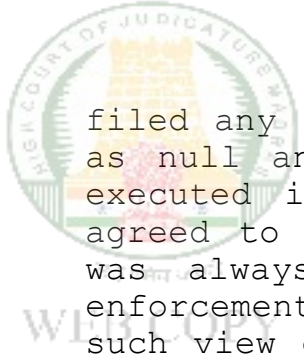


execute mortgage deeds in favour of Subramani (A-1), Selvakumar (A-2) and Manibalan (A-3) sometime in 2000 to 2003; that he was forced to sell the property to Selvakumar (A-2) and Manibalan (A-3) on 25.11.2006 by two sale deeds; that Selvakumar (A-2) and Manibalan (A-3) had later on transferred the property to their Benamis Murugan (A-4) and Sumathi (A-5) on 23.02.2009 and that Murugan (A-4) and Sumathi (A-5) once again sold the property to Ahamed Nazeerkhan (A-6) and Khan Abdul Kabarkhan (A-7) on 08.04.2013. The sum and substance of the allegation of Ramasamy is that for the loan of Rs.5,50,000/-, the accused had threatened him to initially execute a mortgage deed and demanded usurious interest and later, forced the complainant to sell the property. On these allegations, Ramasamy filed an application under Section 156(3) of the Code of Criminal Procedure before the learned Judicial Magistrate, Land Grabbing Court, Theni and on the orders of the learned Magistrate, First Information Report was registered in Crime No.15 of 2014 by the police. After completing the investigation, the police have filed a closure report in R.C.S.No.3 of 2016 in Crime No.15 of 2014 closing the case as mistake of fact. The learned Magistrate issued notice to Ramasamy, but, he has filed his protest application. After considering the protest application and the material gathered by the police during investigation, the learned Magistrate, by order dated 03.12.2016, rejected the protest application and accepted the closure report, challenging which, Ramasamy has filed the present Criminal Revision Case with a delay of 231 days, which has been condoned by this Court in Crl.M.P.(MD)No.10008 of 2017.

2. Heard Mr.R.Suriya Narayanan, learned counsel for the petitioner, Mr.M.Asokan, learned Government Advocate (Criminal side) for the first respondent, Mr.K.Guhan, learned counsel for the respondents 2 to 4 and Mr.T.Lajapathi Roy, learned counsel for the respondents 7 and 8.

3. Mr.R.Suriya Narayanan, learned counsel for the petitioner contended that even according to the statement of the witnesses, there is material to show that Ramasamy was duped by the accused. He took this Court through the statements of Krishnan and Ponniah.

4. This Court carefully perused the statements of Krishnan and Ponniah. Krishnan and Ponniah have clearly stated that Ramasamy had come to the Registrar Office and executed the sale deed document Nos.1104 of 2006 and 1105 of 2006 in favour of the accused and that he had signed as witness in the said deeds. However, he has stated that the accused had orally agreed to re-convey the property to Ramasamy, in the event of Ramasamy paying the loan of Rs.20,00,000/-. Therefore, Mr.R.Suriya Narayanan, learned counsel contended that Ramasamy has been cheated. This Court is unable to appreciate the submission, because the statements of Krishnan and Ponniah clearly show that Ramasamy had gone on his own volition for registration. If the accused had orally agreed to re-convey the property on receipt of Rs.20,00,000/-, then, the breach of such an agreement will not lead to a criminal prosecution. Ramasamy had not



filed any suit for declaring the mortgage deeds and the sale deeds as null and void. Even according to Ramasamy, the sale deed was executed in the year 2006 and if really the accused had orally agreed to re-convey the property on payment of Rs.20,00,000/-, it was always open to Ramasamy to have filed a civil suit for enforcement of the contract. He has not filed any suit till now. In such view of the matter, this Court does not find any infirmity in the order passed by the Trial Court warranting interference.

5. In the result, this Criminal Revision Case is devoid of merits and accordingly, the same is dismissed.

Sd/-
Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1.The Special Court for Land Grabbing Cases,
Theni.

2.The Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Theni District.

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

+One cc to Mr.K.Guhan, Advocate, SR.No.42061

SML
RL/5C/3P/MR/SAR4/31/1/2018

Order made in
Cr1.R.C.(MD)No.23 of 2018

Dated:-
10.01.2018