



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twentieth day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.16163 of 2017

1 P.RAVINDRAN

2 R.VIDYA RAVINDRAN

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.177 OF 2017)

... RESPONDENT

KUMARA PERUMAL

...INTERVENER/DEFACTO COMPLAINANT
IN CRL MP (MD)NO.11232/2017

For Petitioner : M/S.T.LAJAPATHI ROY Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

For Intervenor : MR.T.ARUL, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Reserved on : 14.03.2018

Delivered on : 20.03.2018

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 403, 406, 420 and 506(i) IPC, in Crime No.177 of 2017 and hence, seek anticipatory bail.

2.When the matter was taken up for hearing on 03.01.2018, this Court considering the submissions made by the learned counsel appearing for the parties that the parties were willing to settle the matter amicably, granted interim anticipatory bail to the petitioners and referred the matter to the Mediation and Conciliation Centre attached to this Bench.

3.When the matter was taken up for hearing on 14.03.2018, a report dated 07.03.2018, received from the Mediation and

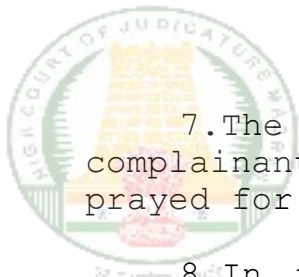


Conciliation Centre attached to this Bench, was placed before me. As per the report submitted by the Mediator, the dispute between the parties could not be settled. Hence, this Criminal Original Petition is posted before this Court.

4. In this occasion, the learned counsel appearing for the petitioners made a submission as the first petitioner is working as Senior Professor and also an internationally recognized Scientist at Central University of Tamil Nadu, Thiruvavur District. The second petitioner is the wife of the first petitioner, who is also working as Assistant Professor in the Department of Medical Physics at Anna University, Chennai. He further submitted that during the time of alleged occurrence, the son of the de-facto complainant one Siva and father-in-law one Manokaran had approached the first petitioner to execute the sale agreement for mining purpose, that is, to take red sand from the first petitioner's patta land, for which, the said Manokaran agreed to execute a sale deed in respect of his land, measuring to an extent of 5.83 acres, as per the sale agreement dated 23.05.2011 and that the sale consideration is the license to quarry the petitioners' land, measuring to an extent of 9.85 acres of land for five years. He further submitted that the de-facto complainant and their men removed the red sand from the petitioners' patta land without lawful authority in violation of the statutory provision and the de-facto complainant had cheated the first petitioner by not executing the sale deed, as per the lease agreement dated 23.05.2011. Further, he added that when the petitioners opposed the de-facto complainant for illegal quarry, the de-facto complainant has lodged a false complaint as against the petitioners mentioning that they have cheated Rs.2,05,00,000/-.

5. Admittedly, as per the averments made in FIR, no written sale agreement was executed between the petitioners and the de-facto complainant. On the other hand, it is alleged by the de-facto complainant that based on the oral agreement, he paid Rs.2,05,00,000/- as advance amount. Further, he added as even after entering into an oral agreement and after receiving the huge amount, the petitioners leased out the property, which was said to be proposed for sale. In this occasion, it is to be noted that no prudent man would give Rs.2,05,00,000/- to any other person without executing any document.

6. In the above situation, the learned Government Advocate (Criminal side) appearing for the respondent police made a submission as in the representation submitted by the petitioners through E-mail, they have acknowledged the receipt of Rs.1,55,00,000/- through RTGS as advance for the purchase of 4 acres of land from the first petitioner. It is admitted by the first petitioner himself that a sum of Rs.1,55,00,000/- was paid through RTGS.



7.The learned counsel appearing for the Intervenor/de-facto complainant reiterated the averments made in the complaint and prayed for dismissal of the Criminal Original Petition.

8.In the above circumstances, this Court cannot come to the conclusion that the alleged oral agreement, which was mentioned by the de-facto complainant, is not falsehood. Moreover, receiving of Rs.1,55,00,000/- without executing any document, creates a *prima facie* case for dishonest intention.

9.In the above situation, this Court cannot come to the conclusion that the civil dispute is converted into the form of criminal. The truth or otherwise in the allegations cannot be gone into at this stage. Hence, the interim anticipatory bail granted by this Court on 03.01.2018 to the petitioners, shall stand cancelled. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/03/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/CM/VR/SAR-2-23.3.18-3P-5C

ORDER
IN
CRL OP(MD) No.16163 of 2017
Date :20/03/2018