

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.4197 of 2013

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are accused Nos.1 and 2, in C.C.No.19 of 2012 on the file of the Judicial Magistrate of First Class, Vayalpad. The offences alleged are under Sections 427, 447, 527 and 506 IPC.

2. Heard the counsel for the petitioners; the Public Prosecutor appearing for the 1st respondent and the counsel appearing for the 2nd respondent.

3. The entire dispute is based on the land, which was sold under a sale deed, dated 18.05.2007. The allegations in the complaint are that the complainant had sold only the land but not the trees which were existing in the land. The sale was, in fact, on 18.05.2007, whereas the complaint was filed in the month of August, 2010.

4. The counsel for the petitioners draws the attention of this court to the recitals of the sale deed, wherein it was categorically mentioned that all the improvements made on the land along with the appurtenants in the land stand conveyed. Hence, it shows that the complainant has sold the land along with the standing timber in the land.

5. Hence, in view of the above, this court opines that the complaint, filed at a belated stage, is only to some how harass

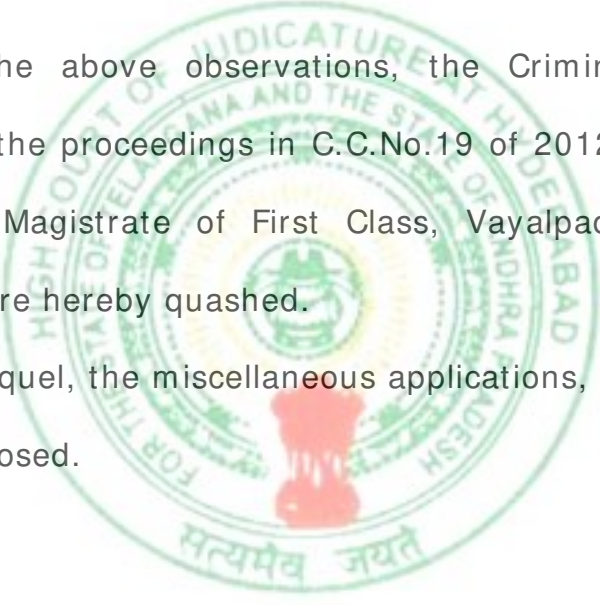
the petitioners and to get some benefit out of the transaction and that it is completely an after thought. Moreover, the complaint, which was filed by the complainant, was closed as false after due investigation by the police and the present cognizance is taken only on the basis of the protest petition.

6. In view of the above facts, this court opines that taking cognizance of the case is not appropriate. Hence, the continuation of proceedings against the petitioners would only result in abuse of process of law.

7. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.19 of 2012 on the file of the Judicial Magistrate of First Class, Vayalpad, against the petitioners, are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

January 2, 2018
LMV


T. RAJANI, J