

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.190 of 2019  
and Crl.M.P.No.106 of 2019

1.N.Palanivelu  
2.P.Vijayalakshmi .... Petitioners/a3 & 4

Vs.

1.State represented by  
Inspector of Police  
D-3, Palur Police Station  
Kancheepuam District.  
Crime No.277 of 2017

2.Saraswathy .... Respondents/Complainant &  
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.277 of 2017 on the file of the 1<sup>st</sup> respondent/complainant and consequently quash the same as illegal, improper and not maintainable in the eye of law as per the petitioners/accused A-3 and A-4 herein are concerned.

For Petitioners : Mr.S.Kasirajan

For R1 : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 277 of 2017 registered for the offence under sections 468, 471 and 420 of IPC as against the petitioners and along with other accused persons.

2.The learned counsel for the petitioners would submit that the petitioners are arrayed as A3 and A4. According to the prosecution, A1 and A2 had fabricated some documents and sold out the property in the year 2006 in favour of the petitioners. In turn after purchasing the property in the year 2007, the petitioners sold out the said property to A5. Further, the

learned counsel submitted that the said property was acquired by the State Highways from A5 for extension of the road. While the FIR is pending against the petitioners, the petitioners approached this Court for Anticipatory Bail in Crl.O.P.No.17603 of 2018. This Court has granted Anticipatory Bail by an order dated 10.9.2018 on condition that the petitioner shall deposit a sum of Rs.15 lakhs in favour of the defacto complainant. Accordingly, the petitioners also complied with the said condition and deposited the said amount by way of demand draft in favour of the defacto complainant on 26.09.2018. The learned counsel for the petitioners further submitted that even according to the prosecution, they are the bonafide purchasers and they did not commit any offence as alleged in the complaint.

3.It is also seen from the complaint that they have purchased the property in the year 2006. Immediately in the year 2007, the property was sold out to A5. The further submission of the learned counsel for the petitioners is that the first petitioner due to renal failure, had underwent Kidney transplantation and also renal transplantation and the first petitioner is in dying condition, therefore, the present petition has been filed seeking to quash the FIR.

4.The learned Additional Public Prosecutor submitted that they have received the report from all the revenue authorities in respect of the documents done by the first and second accused. It is also confirmed that most of the land acquired by the State highways, for extension of the road, the compensation amount also has been paid to the defacto complainant. Insofar as the petitioners are concerned, the condition imposed by this Court while granting Anticipatory Bail was to deposit a sum of Rs. 15 lakhs in favour of the defacto complainant.

5.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the first respondent.

6.Admittedly, the petitioners have purchased the subject property from the first and second accused for a valid consideration in the year 2006. Thereafter, the petitioners sold out the property in favour of the 5<sup>th</sup> accused. Thereafter, the State highways acquired some of the land for extension of road and the compensation amount was also paid to the Defacto complainant. It is also seen that this Court imposed condition while granting Anticipatory Bail to the petitioners to deposit a sum of Rs. 15 lakhs and the said condition was duly complied with by the petitioners.

7.It is also seen that the petitioners are the bonafide purchasers and purchased the property for a valid sale

consideration from A1 and A2. It is also seen from the FIR that all the allegations were made only as against the first and second accused. At the worse because of the purchase of the said subject property by the petitioners, the prosecution can make them as witnesses in the criminal proceedings.

8. Therefore, the first respondent is directed to consider the above observations made by this Court and to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order and also consider the fact that the first petitioner/3<sup>rd</sup> accused underwent kidney transplantation. The first respondent is also directed not to harass the petitioners in the guise of enquiry.

9. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

1. The Inspector of Police,  
D-3, Palur Police Station  
Kancheepuram District.

2. The Public Prosecutor,  
High Court of Madras.

+1 cc to M/s.S.Kasirajan, Advocate Sr.No.10858

SAI (CO)  
CSL/08.03.2019

Cr1.O.P.No.190 of 2019  
and Cr1.M.P.No.106 of 2019

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