

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.2268 of 2019

IN CRL.O.P.No.3643 of 2018

KABILAN

[PETITIONER]

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANCHEEPURAM DISTRICT.
CR.NO.45 OF 2017

[RESPONDENT/COMPLAINANT]

2 U.GANESH

[RESPONDENT/DEFACTO COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to fix a early date to execute sale deed in favour of defacto complainant as agreed in affidavit filed in Crl.O.P.No.3643 of 2018 order dated 31.10.2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.V.PURUSHOTHAMAN, Advocate for the petitioner, and of M/S. T.P. SAVITHA, Govt. Advocate (Crl. Side) on behalf of the 1st Respondents, and of M/S.M.BABU MUTHU MEERAN, Advocate on behalf of the 2nd Respondents, the court made the following order:-

This Miscellaneous Petition has been filed seeking to fix an early date to execute the sale deed in favour of the defacto complainant as agreed in the affidavit filed in Crl.OP.No.3643 of 2018 by an order dated 31.10.2018.

2. The case of the prosecution is that the petitioner had cheated the defacto complainant namely one Ganesh with regard to procuring lands at Irumbuli Perambakkam and Mazhuvangarani Villages of Cheyyur Taluk.

3. The learned counsel for the petitioner would submit that the petitioner/accused filed Anticipatory Bail application before this Court in Crl.OP.No.3643 of 2018. Pending the anticipatory bail petition, both the defacto complainant and the petitioner arrived at a compromise and petitioner filed an affidavit. Based on the said affidavit filed by the petitioner, by order dated 31.10.2018, this Court granted Anticipatory bail on condition that the petitioner shall convey additional land of 7.07 acres in survey No.243 in favour of the defacto complainant. The petitioner is ready to convey the property, however the defacto complainant did not agree to the execution of sale deed.

4. Learned counsel for the defacto complainant submitted that though the petitioner filed affidavit, the affidavit was initially accepted without verifying the lands. However, on field verification, it was revealed that the value of the land offered was far less than the amount promised by the petitioner and hence, the defacto complainant has not agreed to accept the execution of the sale deed and in the absence of execution of the sale deed, the law enforcing agency would file a charge sheet in the criminal court and law will take its own course. In view of stand taken by the defacto complainant, this Court cannot force the defacto complainant to accept the property which was not agreed to by him. In view of this, the petition filed by the petitioner is dismissed.

-sd/-

11/06/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.V.PURUSHOTHAMAN Advocate on payment of necessary
charges SR.NO.11325

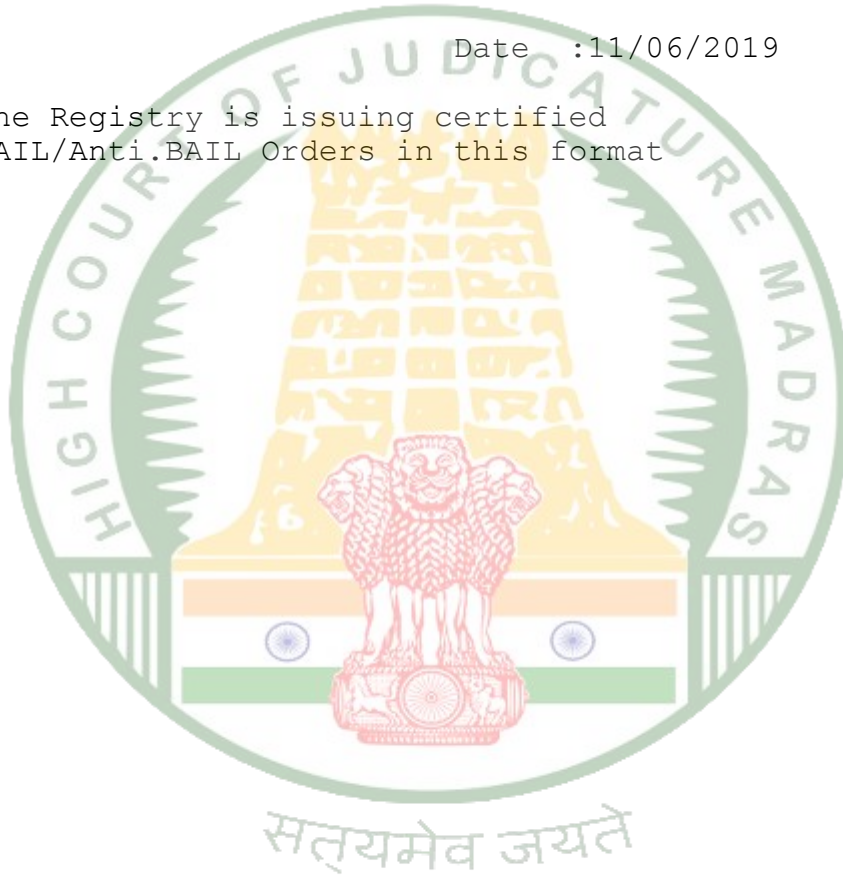
Order

in
CRL MP.2268/2019
in
CRL.O.P.No.3643/2018

Date :11/06/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-20/06/2019



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