

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.3226 of 2019

and

Crl.M.P.No.2097 of 2018

D.Sunil Kumar

.. Petitioner

Vs.

1. State rep. by
The Inspector of Police,
Land Grabbing Cell,
Kancheepuram District.
Crime No.06 of 20121st Respondent/Complainant

2. Karthikeyan ...2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.5 of 2019 on the file of Judicial Magistrate-II, Chengalpet and quash the same as null and void.

For Petitioner : Mr.T.N.Rajagopalan for
Mr.M.Nandhakumar

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor for R1

No Appearance for R2

ORDER

The case revolves around a registered sale deed dated 26.06.1991, which was executed by the 1st accused in favour of the 2nd accused, whereby an extent of 19 cents along with 23 cents, came to be sold.

2.The case of the prosecution is that the 1st accused has no title over the 19 cents of land and it has been made for the purpose of misappropriating. Pursuant to the sale deed executed on 1991, the 2nd accused had sold the property to 4th accused through power agent who has been arrayed as 3rd accused, through a sale deed dated 23.07.2004 registered as Document

No.3133 of 2004. The petitioner herein, who has been arrayed as 5th accused, had purchased the said property on 23.12.2008 through a sale deed registered as Document No.8492 of 2005 from the 4th accused.

3. According to the learned counsel for the petitioner, the petitioner herein is a bonafide purchaser who was unaware of the fraudulent transaction and when this aspect was later noticed, he along with 4th accused, had executed a cancellation deed and accordingly had the sale deed in his favour canceled. A perusal of the statements made in support of the charge sheet, also reveals the over tacts of the 5th accused to the extent that, he is only the purchaser of the property from the 4th accused. There is absolutely no material to show the involvement of the petitioner herein / 5th accused for the alleged offences under Sections 465, 468, 471, 420 & 120(b) of IPC.

4. In the absence of any material to implicate this petitioner for the offences, the trial Court ought not to have framed the charges as against the petitioner herein. As such the entire criminal trial would be a void exercise, insofar as the petitioner/5th accused is concerned and therefore it would not be appropriate to subject the petitioner herein to the ordeal of a criminal trial.

5. In the light of the above observations, the charge sheet in C.C.No.5 of 2019 on the file of Judicial Magistrate II, Chengalpet, sofaras it relates to 5th accused/petitioner, stands quashed.

6. Accordingly, this Criminal original petitioner stands allowed. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

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Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate-II,
Chengalpet

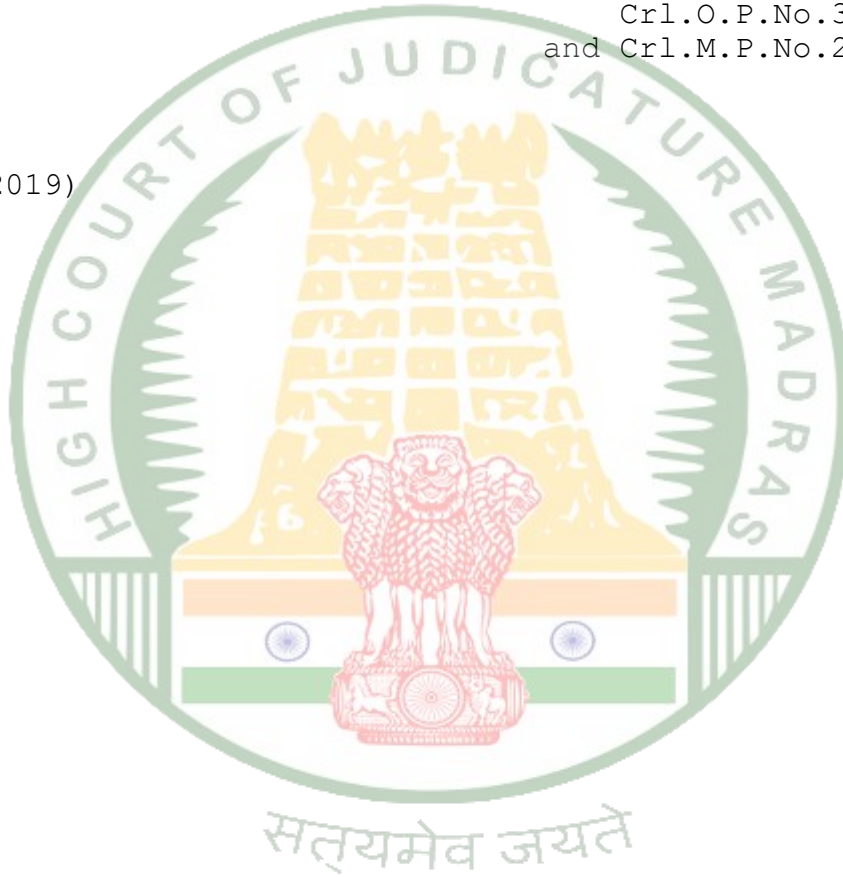
2. The Inspector of Police,
Land Grabbing Cell,
Kancheepuram District.
Crime No.06 of 2012

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Nandhakumar, Advocate, S.R.No. 83843

Crl.O.P.No.3226 of 2019
and Crl.M.P.No.2097 of 2018

SPD(CO)
GN(30/10/2019)



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