

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.6689 of 2019
and
Crl.M.P.Nos.3697 & 3699 of 2019

A.Balaiah ... Petitioner
Vs.

1. The State by
The Inspector of Police,
District Crime Branch,
Tiruvallur, Tiruvallur District

2. G.Ravi ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for records and quash the C.C.No.110 of 2017 on the file of the District Munsiff-cum-Judicial Magistrate Court, Uthukottai.

For Petitioner : Mr.V.Ramana Reddy

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

O R D E R

This Criminal Original Petition has been filed seeking to call for records and quash the C.C.No.110 of 2017 on the file of the District Munsiff-cum-Judicial Magistrate Court, Uthukottai.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property and on receipt of a sum of Rs.6,00,000/- an advance amount, he entered into a sale agreement with the second respondent. However, the second respondent failed to pay the balance amount and also failed to take any action on the agreement for the past three years. Thereafter, the present complaint has been lodged by the second respondent and the respondent police without considering the facts and circumstances, filed a charge sheet against the petitioner for the offence under Sections 406 and 420 of IPC.

3. The learned Additional Public Prosecutor submitted that the charge sheet was filed under Sections 406 and 420 of IPC. The petitioner is the sole accused in this case. He entered into the sale agreement with the second respondent without any right over the property and received a sum of Rs.6,00,000/-. After verifying the encumbrance certificate, the second respondent came to know that the property, in which the agreement entered between the petitioner and the second respondent, belongs to one Mannem Venkara Subbamma. Therefore, there is a specific allegation as against the petitioner.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

5. It is seen that the petitioner is the sole accused in this case and the petitioner entered into the sale agreement with the defacto complainant as if the petitioner is the owner of the disputed property and received a sum of Rs.6,00,000/-. Thereafter, on verification, its found that the property originally belongs to one Mannem Venkara Subbamma. Hence, there is a specific allegation against the petitioner to attract the offence under Sections 406 and 420 of IPC.

6. Considering the facts and circumstances of the case, this Court is not inclined to entertain this petition. Accordingly, the Criminal Original Petition is dismissed. This Court directs the learned District Munsiff-cum-Judicial Magistrate Court, Uthukottai to complete the proceedings in C.C.No.110 of 2017, within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Inspector of Police,
District Crime Branch,
Tiruvallur, Tiruvallur District.

2. The District Munsiff-cum-Judicial Magistrate,
Uthukottai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Ramana Reddy, Advocate, S.R.No. 26582

CRL.O.P.No.6689 of 2019
and

CrI.M.P.Nos.3697 & 3699 of 2019

PM(CO)
GN(03/05/2019)