



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eleventh day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21496 of 2018

N.GANESH

... PETITIONER / ACCUSED NO.6

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO. 14 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.MUTHUSARAVANAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI, Govt. Advocate

(Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(Orders Reserved on 08.01.2019)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 465, 468, 471, 420 and 120B of IPC., in Crime No.14 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has a brother by name Vedamuthu and after the demise of his father, the properties were partitioned by which the defacto complainant got a property to an extent of Sy.No.291/3 in Patta No.1050. One Manickam S/o.Vedamuthu married A1 / Vanakkam Meri and they got a son by name Vignesh Kumar and both Vedamuthu and Manikam died. Further, the Village Assistant / A3 and VAO / A4 has forged the revenue records as if the defacto complainant was dead and thereby claiming the ownership of the property. Thus A1 and A2 had jointly executed a general power of attorney in the name of A5 on 17.07.2009. This petitioner said to have purchased the property from A5 / power holder, by way of registered deed, on 25.11.2010. When the petitioner attempted to change the patta, the defacto complainant said to have issued a legal notice to A1 and A2 and thereafter filed a writ petition and obtained an order in his favour. In the meanwhile, A1 & A2 initiated a civil suit against the defacto complainant in O.S.No.16 of 2012, before the District Munsif Court,



Thiruvadanai and the same was dismissed on 03.07.2017.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he is no way connected with the alleged offence and he has been falsely implicated in this case. The petitioner is an innocent purchaser and after verification of all the documents, the petitioner had purchased the property and he has no knowledge about the rights possessed by the defacto complainant over the property. The petitioner had purchased totally 10.81 acres from 10 different owners in various survey numbers in that village including the property in question. The petitioner, on receipt of summons from the respondent right from beginning had expressed his intention for amicable settlement in this issue. The petitioner had even sent a representation to the President, Legal Services Authority, Thiruvadanai, Court campus, seeking amicable settlement. The petitioner is a genuine purchaser and purchased the property on 25.11.2010, by way of registered deed and the petitioner is in possession of the said property for the past 8 years without any adversity. The petitioner has completed his MD Course in Emergency Medicine, working as Doctor in Krishna Hospital at Sattur, Virudhunagar, who is got deep social route and hails from respectable family.

4. Earlier, on the request of the petitioner, the case was referred to the Mediation and Conciliation Centre, attached to this Bench. Thereafter, earnest efforts were taken by the petitioner by entering into an agreement, dated 11.12.2018, agreeing to relinquish the right over the property comprising Survey Number 291/3, to an extent of 2.22 Acres and to execute a release deed in favour of the defacto complainant and after execution, it was agreed that the defacto complainant would co-operate for filing a compromising petition before this Court. Thereafter, on 24.12.2018, a gift deed was registered, gifted back the property to the defcto complainant by way of Doc.No.1262/2018 on 24.12.2018, before the Sub Registrar. The respondent police had filed a deletion report dated 24.12.2018.



The petitioner is an innocent purchaser had purchased the land without any malafide intention in Survey No.291/3 and coming to know about the dispute has given the land to the defacto complainant / Arulanandam by registration of settlement at Sub Registrar Office, on 24.12.2018 in Doc.No.1254 of 2018. Taking into these consideration the respondent police had deleted the name of the petitioner/ A6 and Chidambaram/A7.

5. In view of the same, nothing survives in the crime number, as against the petitioner. Recording the same, the criminal Original Petition is closed.

sd/-

11/01/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
- 2 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/PN/SAR-4/28.01.2019/3P/3C

ORDER
IN
CRL OP(MD) No.21496 of 2018
Date :11/01/2019