

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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.705 of 2016  
and  
CRL MP(MD) No.357 of 2016

ELANGO VAN

... PETITIONER / SOLE ACCUSED

Vs

1 STATE REP. BY  
THE INSPECTOR OF POLICE,  
OTHAKADAI POLICE STATION,  
MADURAI DISTRICT.  
(IN CRIME NO. 503 OF 2015) ... 1st RESPONDENT/COMPLAINANT

2 M.S.NAVANEETHA KRISHNAN ... 2nd RESPONDENT/DEFACTO COMPLAINANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to call for the records relating to the F.I.R. in Crime No. 503 of 2015 on the file of the 1st respondent herein and quash the same as illegal and thus render justice.

Prayer in CRL MP(MD). 357/ 2016 :

To grant an AD-INTERIM STAY of all further proceedings in Crime No. 503 of 2015 on the file of the 1st respondent police pending disposal of above Crl.O.P.

ORDER: This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.GANDHI, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor for R1 and not appeared for R2 either in person or through by an Advocate, the court made the following order:-

This petition is filed to quash the complaint given by the second respondent against the petitioner in Crime No.503 of 2015.

2.The second respondent gave a complaint that the petitioner had purchased the land from him for a sum of Rs.16,40,000/- and the petitioner paid a sum of Rs.10,00,000/- on the date of registration on 14.04.2014 and for the remaining amount, the petitioner gave two cheques each for a sum of Rs.2,50,000/- and agreed to pay a sum of Rs.1,40,000/- later. When the cheques were presented, they were

returned as "funds insufficient". Hence, the second respondent/defacto complainant gave complaint before the first respondent that the petitioner had cheated him.

3.The learned counsel for the petitioner submitted that the second respondent had executed a sale deed on 14.04.2014 and in the said sale deed the second respondent mentioned that he had received the entire sale consideration amount of Rs.16,40,000/-. Since the second respondent had admitted the receipt of money in the sale deed executed on 14.04.2014 and this complaint was lodged after 16 months, ie., on 22.09.2015, the complaint lodged against the petitioner in Crime No. 503 of 2015, is liable to be quashed.

4.When the matter was taken for hearing, there is no representation on behalf of the second respondent/de-facto complainant. For providing an opportunity to the second respondent, post the matter on 15.02.2019.

sd/-  
11/02/2019

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,  
OTHAKADAI POLICE STATION,  
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.705 of 2016  
and  
CRL MP(MD) No.357 of 2016  
Date :11/02/2019

JM/VR/SAR 2/14.02.2019/2P/3C