



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.3566 of 2015

and

M.P.(MD)No.1 of 2015

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N.Jegatheesan

... Petitioner

Vs

1. State Rep. By
The Inspector of Police,,
Koodakovil Police Station,
Thirumangalam,
Madurai District.
(Cr.No.85 of 2014)

2.Sugumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceedings of FIR in Crime No.85 of 2014, on the file of the 1st respondent police and to quash the same with regard to the petitioner.

For Petitioner : Mr.Babu Rajendran

For Respondents: Mr.A.Robinson

Govt. Advocate (Crl.Side) for R1
: Mr.PT.S.Narendravasan for R2

O R D E R

The petitioner herein is figuring as sixth accused in Crime No.85 of 2014 registered on the file of the first respondent police for the offences under Sections 417, 471 and 420 of I.P.C.

2.It is not in dispute that the defacto complainant herein and the first accused entered into a sale agreement. To enforce the same, the defacto complainant filed O.S.No.58 of 2008, seeking the relief of specific performance. The suit was originally decreed. But it is beyond dispute that even before institution of the suit, the property in question was purchased by the petitioner herein. The petitioner was not impleaded as a defendant in the suit. That is why when the decree was sought to be enforced, the petitioner herein filed E.A.No.133 of 2013 and the same was allowed in his favour by the Executing Court.

3.By no stretch of imagination the offences set out in the FIR can be invoked against the petitioner. Therefore, the impugned



FIR stands quashed insofar as the petitioner is concerned. The criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar(CS)

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To:

1. The Inspector of Police,,
Koodakovil Police Station,
Thirumangalam,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.BABU RAJENDRAN, Advocate (SR-89573[F] dated 26/09/2019)
+1 CC to Mr.PT.S,NARENDRAVASAN, Advocate (SR-89874[F] dated 27/09/2019)

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MK (13.12.2019) 2P 5C