



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.10357 of 2017

and

Crl.M.P. (MD) .No.7099 of 2017

N.Jegatheesan

...Petitioner / Accused No.3

Vs.

1.The State represented by
The Inspector of Police,
Austinpatti Police Station,
Madurai District.
(In Crime No.76 of 2016)

2.Rajasingaram

...Respondents / Complainant /
De facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings in Crime No.76 of 2016 pending on the file of the first respondent and to quash the same.

For Petitioner	: Mr.Babu Rajendran
For R-1	: Mr.M.Chandrasekar
	Additional Public Prosecutor
For R-2	: No Appearance

O R D E R

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.76 of 2016, pending investigation on the file of the first respondent Police.

2. The petitioner in this Criminal Original Petition has been added as an Accused No.3 in the First Information Report and he is a subsequent purchaser of the property. When the matter came up for admission, this Court passed the following order on 08.08.2017:

*"Mr.K.Anbarasan, learned Government Advocate
(Criminal side) takes notice for the first respondent.*

*2. Issue notice to the second respondent
returnable by two weeks. Private notice is also*



permitted.

3. Though the learned counsel for the petitioner prays for stay, this Court is not inclined to grant stay. However, if any enquiry is conducted, the first respondent Police shall consider the documents of cancellation of the Sale Deeds indicating the intention of the petitioner not to claim ownership over the properties."

3. When the matter was again posted for hearing on 20.11.2019, the learned counsel appearing for the petitioner reiterated the fact that the sale deed that was executed in favour of the petitioner was cancelled, even before the registration of the First Information Report and that the petitioner is not claiming any ownership in the property. This Court directed the learned Additional Public Prosecutor to take instructions from the respondent Police.

4. The learned Additional Public Prosecutor appearing for the first respondent, on instructions, submitted that the petitioner had cancelled the sale deed even before the registration of the First Information Report by means of a cancellation deed dated 04.01.2016 and that has been taken into account by the respondent Police.

5. In view of the above development, it will not be in the interest of justice to criminally prosecute the petitioner, who seems to be a bona fide purchaser of the property. Therefore, the continuation of the criminal prosecution against the petitioner will amount to abuse of process of law.

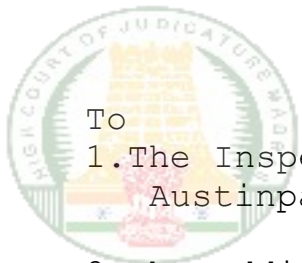
6. In the result, the First Information Report in Crime No.76 of 2016, pending investigation on the file of the first respondent Police is hereby quashed, insofar as the petitioner is concerned and this Criminal Original petition stands accordingly allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Inspector of Police,
Austinpatti Police Station, Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-101873[F] dated
27/11/2019)

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