

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.10.2020

PRONOUNCED ON : 13.10.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.11855 of 2016

C.Manoharan Petitioner/Sole
Accused

Vs.

1.The State represented by
Inspector of Police
District Crime Branch
Tiruvannamalai District
Tiruvannamalai

...1st Respondent/Complainant

2.Sennammal2nd Respondents/Defacto
Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in Crime No.5 of 2016 pending on the
file of the 1st respondent and quash the same.

For Petitioner : Mr.B.Jawahar
For 1st Respondent : Mr.L.Charles
Govt. Advocate (Crl. Side)
For 2nd Respondent : Mr.B.Sivaraman

O R D E R

For the sake of convenience, the parties will be referred to
by their names.

2.On the complaint lodged by Sennammal/respondent/de facto
complainant, the 1st respondent police registered a case in Crime
No.5 of 2016 on 07.04.2016 under Sections 420, 468, 477 and 506
(i) IPC against the petitioner herein, for quashing which, the
petitioner is before this Court.

3.Heard Mr.B.Jawahar, learned counsel for the petitioner,
Mr.L.Charles, learned Government Advocate (Crl. Side) appearing
for the State/1st respondent and Mr.B.Sivaraman, learned counsel
for the 2nd respondent.

4.It is the case of Sennammal that the petitioner represented to her that he is the owner of 3.60 acres of land and on 10.10.2008, she had purchased 0.60 cents of land along with others; after the said purchase, the petitioner did not give her the land documents, though she was insisting for it; the siblings of the petitioner approached her and told her that the petitioner wants to start a school and asked the land for lease; she agreed for that, but for the last seven years, the petitioner did not pay any rent and when she asked him for rent, he started threatening her with his henchmen; when she went and showed the sale deed to some brokers, they told her that the sale deed had been improperly executed, inasmuch as it does not contain the boundaries and therefore, she has been cheated.

5.This Court perused the impugned sale deed dated 10.10.2008. On a bare perusal of it, it is clear that totally 21 persons including the 2nd respondent have purchased undivided shares in the land from the petitioner.

6.It is the case of the petitioner that he wanted to start a trust and build a school in the land, for which, he had even entered into a lease agreement with the purchasers including the 2nd respondent herein on 08.02.2008 and only thereafter, he had executed the sale deed on 10.10.2008. However, some dispute arose between the trustees and that had escalated into violence, resulting in the murder of one Arunachalam, for which a case in Crime No.105 of 2014 was registered and there was an attempt on the life of the petitioner, for which, a case in Crime No.264 of 2014 was registered on 24.08.2014 for the offences under Section 341, 147, 148, 294(b), 324 and 307 IPC read with Section 3 of TNPPDL Act against 4 named accused and others. The 4th accused in Crime No.264 of 2014 is none other than the husband of the 2nd respondent.

7.In fact, the 2nd respondent/de facto complainant has filed a scheme suit in O.S.No.89 of 2019 before the District Court, Tiruvannamalai against the petitioner and the said suit is pending. Therefore, the 2nd respondent cannot be heard to say that she had innocently purchased the property and that she was cheated by the petitioner.

8.The 2nd respondent along with 21 others entered into a lease deed dated 08.02.2008 which has been registered as document No.615 of 2010 and thereafter, 21 of them including the 2nd respondent have been given the undivided share of land by sale deed dated 10.10.2008. Since the petitioner's husband Arumugam was involved in the case in Crime No.264 of 2014, attempting to murder the petitioner, his wife and brother-in-law on 24.08.2014, the impugned F.I.R. has been registered as a counter blast.

In the result, this petition is allowed and the F.I.R. in Crime No.05 of 2016 pending on the file of the 1st respondent is quashed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

To

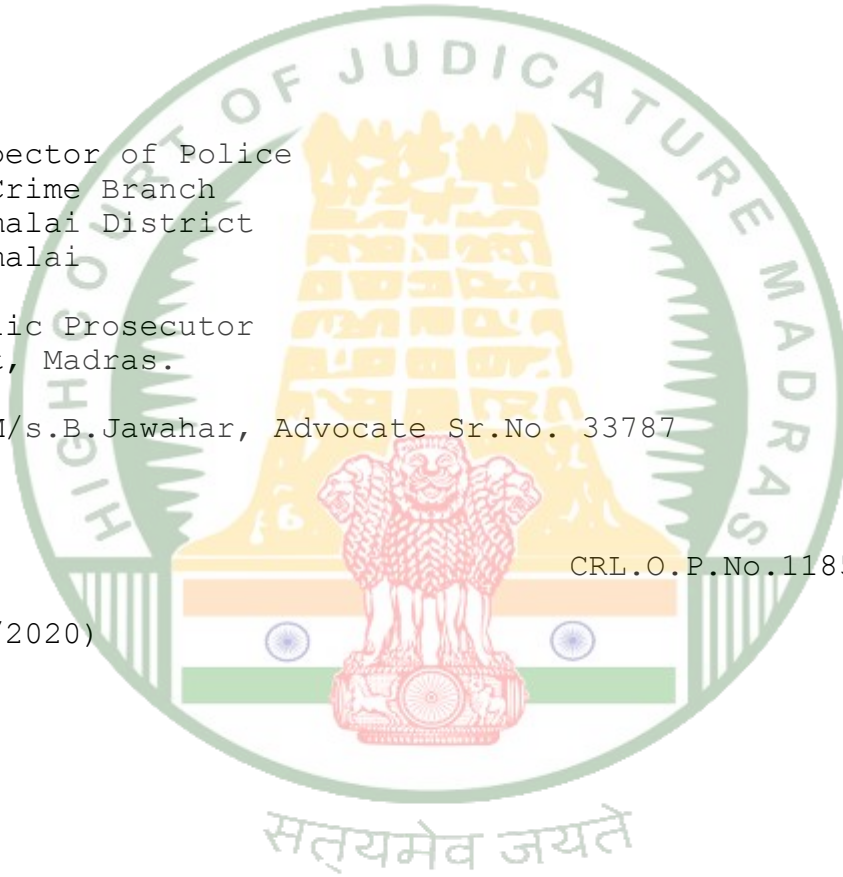
1.The Inspector of Police
District Crime Branch
Tiruvannamalai District
Tiruvannamalai

2.The Public Prosecutor
High Court, Madras.

+1 cc to M/s.B.Jawahar, Advocate Sr.No. 33787

NR (CO)
RMP (11/11/2020)

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