



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16532 of 2010 and
Crl.M.P.No.1 of 2010

C.Selvaraj

.. Petitioner /Accused No.6

Vs.

M.Palanisamy

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings in C.C.No.581 of 2009 on the file of the Judicial Magistrate-VI, Coimbatore.

For Petitioner : M/s.V.Vijaya Kumar

For Respondent : M/s.N.A.Nissar Ahmed

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.581 of 2009 on the file of the Judicial Magistrate Court No.VI, Coimbatore.

2.The respondent has preferred a private complaint against the petitioner/A6 and ten others before the learned Judicial Magistrate No.VI, Coimbatore in C.C.No.581 of 2009 for the offence punishable under Sections 120-B, 420, 467, 464, 207, 383, 403, 404, 415, 441, 501 & 504 of IPC, on the allegations that one Karuppasamy owned 5.04 acres of land in Survey Nos.709/2A, 709/3 in Kalapatti Village, Coimbatore and the respondent approached the said Karuppasamy for purchasing the said land and entered into an agreement for sale and as per the sale agreement, the said Karuppasamy could not be complied the terms as agreed by him and hence, the respondent filed a civil suit in O.S.No.615 of 1998 and obtained decree in his favour in the year 1999. In the meanwhile, the 1st accused claimed himself as Power of Attorney of Karuppasamy and sold the properties in collusion with his legal heirs and various other persons including the petitioner/A6. Aggrieved over the same, the



respondent preferred the above said private complaint.

3.The learned counsel appearing for the petitioner would submit that the respondent had purchased the properties in two survey Nos.709/2A and 709/3 admeasuring to the extent of 5.04 acres out of 6.14 acres. He would further submit that the petitioner has purchased 69 cents of land out of the balance 1.10 acres in S.F.No.709/2, which is not the property belonging to the respondent. Therefore, he prayed to quash the proceedings as against the petitioner/A6.

4.In support of his contention, the learned counsel for the petitioner filed an affidavit dated 20.01.2020 before this Court and the relevant portion is extracted here under:-

"As such at no point of time I have encumbered the properties owned by the respondent/complainant. I also submit before this Honourable Court that, even in future I will not make any encumbrance in the properties owned by the respondent/complainant. I have not purchased the properties that are owned by the respondent/complainant. No portion of the property of the complainant Mr.Palanisamy is either purchased by me or in possession."

5.M/s.N.A.Nissar Ahmed, learned counsel appearing on behalf of the respondent on instructions would submit that the respondent has no objection to quash the proceedings as against the petitioner/A6 alone.

6.In view of the affidavit filed by the petitioner dated 20.01.2020 stating that at any point of time he will not make any encumbrance in the properties owned by the respondent and no objection given by the respondent for quashing the proceedings against the petitioner/A6, this Court is inclined to quash the proceedings against the petitioner/A6 alone.

7.This Criminal Original Petition is allowed. Accordingly, the proceedings in C.C.No.581 of 2009 on the file of the Judicial Magistrate Court No.VI, Coimbatore against the petitioner/A6 alone is quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar



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To

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1.The Judicial Magistrate Court No.VI,
Coimbatore.

2.The chief Judicial Magistrate,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras-104.

+2cc to Mr.C.Arunkumar, Advocate SR.3332

Crl.O.P.No.16532 of 2010

GJ(CO)
CB(24/02/2020)