

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.11.2020
PRONOUNCED ON : 11.11.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.26853 of 2016 and CRL.M.P.No.13494 of 2016
AND
CRL.O.P.No.553 of 2017 and CRL.M.P.No.403 of 2017

1.Lalitha
2.N.Balasubramani @ Baskar ... Petitioners in
CRL.O.P.No.26853/2016

1.Nageswari
2.Yuvarani
3.Babu
4.Gopi @ Thiruvengadam ... Petitioners in
CRL.O.P.No.553/2017

Vs.

1.State The Inspector of Police
B5 Walajabad Police Station
Kanchipuram District

2.Nagammal ... Respondents in both CRL.O.P.s

Criminal Original Petitions filed under Section 482
Cr.P.C., to call for the records of the 1st respondent in
connection with F.I.R.No.354 of 2016 dated 07.08.2016 and quash
the same

For Petitioner : Mr.V.Manoharan
in both CRL.O.P.s

For 1st Respondent: Mrs.P.Kritika Kamal
in both CRL.O.P.s Govt. Advocate (Crl. Side)

For 2nd Respondent : Mr.G.M.Sankar
in both CRL.O.P.s

C O M M O N O R D E R

These matters are taken up for hearing via video conferencing.

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

3. Nagammal (de facto complainant) filed a petition under Section 156(3) Cr.P.C. in the Court of the Judicial Magistrate No.II, Kanchipuram and on the directions of the learned Magistrate, the respondent Police registered a case in Crime No.354 of 2016 on 07.08.2016 under Sections 294(b), 506(i), 420 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, against Yuvarani (A1), Lalitha (A2), Baskar (A3), Nageswari (A4), Babu (A5) and Thiruvengadam @ Gopi (A6), for quashing which, Lalitha (A2), N.Balasubramani @ Baskar (A3) filed CRL.O.P.No.26853 of 2016 and Nageswari (A4), Yuvarani (A1), Babu (A5) and Gopi @ Thiruvengadam filed CRL.O.P.No.553 of 2017.

4. Heard both sides.

5. It is the case of Nagammal that she purchased a plot from one Shanthi for Rs.3,00,000/- on 13.07.2015 and had built a house thereon. While so, the accused tried to dispossess her from the said property on 29.06.2016, saying that they would bring down her house with a bulldozer and also abused her in filthy language and criminally intimidated her. Even in the complaint given by Nagammal, she has stated that the property belongs to Yuvarani and that, Yuvarani had sold the property to Shanthi on 20.12.2006, in turn, Shanthi had sold the property to her on 13.07.2015. According to Nagammal, the sale deed dated 20.12.2006 executed by Yuvarani in favour of Shanthi was not registered and similarly, the sale deed dated 13.07.2015 that was executed by Shanthi in her favour was also not registered.

6. On the contrary, it is the case of the accused that, no sale deed was never executed and registered in favour of Nagammal and that, Yuvarani had sold the property by a deed of sale registered as document No.1574 of 2016 dated 05.05.2016 in favour of Lalitha.

7. From a perusal of the documents submitted by Nagammal, it is crystal clear that, based on a receipt prepared on a twenty rupees non-judicial stamp paper, Nagammal is claiming title to the property of Yuvarani. It is Nagammal's contention that Yuvarani is taking advantage of her ignorance, but this submission cannot be countenanced because, Nagammal is claiming title through an unregistered receipt, purportedly executed by

Shanthi in her favour on 13.07.2015. Thus, it is clear that Nagammal has been dealing with the property of Yuvarani without any semblance of title because, Shanthi herself was claiming title through a receipt dated 20.12.2006. In such view of the matter, the allegations in the F.I.R. on the face of it, is untenable and hence, the same is quashed.

In the result, these Criminal Original Petitions are allowed and the F.I.R. in Crime No.354 of 2016 on the file of the 1st respondent is hereby quashed. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

To

1.The Inspector of Police
B5 Walajabad Police Station
Kanchipuram District.

2.The Public Prosecutor
High Court Madras.

+2ccs to Mr.V.Manoharan, AdVocate, Sr.No. 36834 & 36835

CRL.O.P.No.26853 of 2016
AND
CRL.O.P.No.553 of 2017

KK(CO)
RMP(09/12/2020)

सत्यमेव जयते

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