

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.Nos.4675 & 2854 of 2020  
and M.P.Nos.2675 & 1713 of 2020

1. C.Venugopal  
2. V.Mohan Babu ... Petitioners  
in CrI.O.P.No.4675 of 2020

K.Perumal ... Petitioner  
in Crl.O.P.No.2854 of 2020

 $V_S.$ 

1. State by  
Inspector of Police,  
Central Crime Branch - II, Chennai  
(Crime No.144/2019)

2. Muniyammal ... Respondents  
in both Cr1.0.Ps

PRAYER in CrI.O.P.No.4675 of 2020: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case pending investigation in Crime No.144/2019 on the file of the respondent police and quash the same.

For Petitioners: Mr.A.M.D.Khaleel UL Hug

For Respondent : Mr.S.Karthikeyan  
Addl.Public Prosecutor for R1  
No appearance for R2

PRAYER in CrI.O.P.No.2854 of 2020: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to Crime No.144/2019 dated 29.08.2019 on the file of the first respondent and quash the same.

For Petitioners : M/s.R.Marudhachalamurthy

For Respondent : Mr.S.Karthikeyan  
Addl.Public Prosecutor for R1  
No appearance for R2

## C O M M O N      O R D E R

These Criminal Original Petitions have been filed to call for the records pertaining to the case pending investigation in Crime No.144/2019 on the file of the respondent police and quash the same.

2. The petitioners are A1 to A3 in both petitions. According to the second respondent/defacto complainant, originally the house plot No.45 comprised in S.L.No.253/3 situated at Thangadurai Village, Tiruvallur District belongs to the first accused. The said property was sold out by the first accused in favour of the second respondent/defacto complainant in the year 1997 by the registered sale deed dated 30.10.1999. Registered as Document No.1596/1997 on the file of the Sub Registrar Office, Avadi. Thereafter again the first accused intended to sell the property and executed a Power of Attorney in favour of A3 in which A2 also one of the witness. In turn, the power holder namely A3 sold out the very same property to one Settu and his wife Sangeetha by the registered sale deed dated 21.09.2012 and registered as Document No.10460/2012. Hence the complaint.

3. The learned counsel for the petitioners submitted that after registration of FIR the petitioners as well as the subsequent purchasers executed cancellation of sale deed dated 21.09.2012 by the registered cancellation deed dated 14.08.2019 registered as Document No.11676/2019 at the office of the fourth accused Sub Registrar. He further submitted that there was a compromise between the petitioners and the second respondent in pursuant to the same the petitioners cancelled the sale deed executed in favour of the said Settu and his wife Sangeetha. Now the possession of the defacto complainant also not disturbed by the petitioners and as well as by the subsequent purchasers. Therefore he submitted that nothing survives in the FIR and sought for quashment of the FIR.

4. The learned Additional Public Prosecutor submitted that though the petitioners cancelled the sale deed executed in favour of one Settu and his wife Sangeetha the crime committed by them is very serious in nature. Once sold out the plot in favour of the defacto complaint, they also executed another sale deed in favour of one Settu and his wife Sangeetha. In fact the second accused has full knowledge about the first sale deed executed in favour of the defacto complainant and even then the

first and second accused have executed power of attorney in favour of the third accused, who in turn accused executed sale deed in favour of one Settu and his wife Sangeetha thereby committed offence.

5. Heard Mr.R.Marudhachalamurthy, learned counsel appearing for the petitioner in Crl.O.P.2854 of 2020 and Mr.A.MD.Khaleel Ul Huq, learned counsel appearing for the petitioner in Crl.O.P.No.4675 of 2020 and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the first respondent in both petitions and perused the materials available on record. No one is appeared on behalf of the second respondent in both cases.

6. On the complaint lodged by the second respondent, the first respondent registered the FIR in Crime No.144 of 2019 for the offences under Sections 420, 465, 467, 468, 471 r/w 34 IPC. The first accused already sold out the plot No.45 comprised in survey No.252/3 situated at Thangadurai Village, Thiruvallur District by the registered sale deed 30.10.1996 and by document No.1596/1997 on the file of Sub Registrar Avadi. Again for the very same plot, the first accused executed Power of Attorney in favour of the third accused in which, the second accused stood as one of the witnesses. In turn, the power holder namely the third accused sold out the very same plot in favour of one Settu and his wife Sangeetha by registered sale deed dated 21.09.2012 vide document No.10460/2012.

7. After registration of FIR, there was compromise between the parties in which the petitioners also cancelled the sale deed executed in favour of Settu and his wife Sangeetha by deed of cancellation dated 14.08.2019 and registered as Document No.11676 of 2019 at the office of the 4<sup>th</sup> accused. Though there was a settlement between the petitioners and the second respondent, now the second respondent did not turn up before this Court for reporting compromise. In respect of the possession and enjoyment of the property is concerned, now the second respondent is in possession and the petitioners also gave undertaking that they would not disturb the possession of the second respondent. More over, the subsequent purchasers have no title over the property since the property already sold out in favour of the second respondent.

8. Considering the facts and circumstances of the case, the first respondent is directed to conduct enquiry by considering the cancellation deed executed in favour of the purchaser and complete the investigation in Crime No.144 of 2019 and file a final report as early as possible, before the jurisdiction Magistrate, if not already filed. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Inspector of Police,  
Central Crime Branch - II, Chennai  
(Crime No.144/2019)

2. The Public Prosecutor,  
High Court, Chennai.

+1cc to M/s.R.Marudhachalamurthy, Advocate Sr.30041  
+1cc to Mr.A.MD.Khaleel UL Huq, Advocate Sr.30111

Cr1.O.P.Nos.4675 & 2854 of 2020  
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sj[col  
srg 05/11/2020