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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.26037 of 2015

K.S.Venkatesh

.. Petitioner

Vs.

1. State Rep by
Inspector of Police,
Anti Land Grabbing Special Cell,
Krishnagiri.

2. T.Aswath Reddy

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code seeking to call for the records relating to Crime No.29 of 2014 on the file of the first respondent police and quash the same.

For Petitioner : Mr.R.Ezhilarasan

For Respondent 1 : Mr.C.E.Pratap, GA(Crl.Side)

For Respondent 2 : Mr.V.Nicholas

O R D E R

(The case has been heard through video conference)

This petition has been filed seeking to quash the FIR in Crime No.29 of 2014, on the file of the first respondent police.

2. The allegation in the complaint is that the property in S.No.124/1 in Kodiyaalam village, Hosur Taluk, originally belongs to one Muni Venkadappa. After his death, his wife and his children sold the property to various persons and the defacto complainant purchased the property measuring an extent of 40 cents from a Power Agent. The petitioner/A1 has also purchased the very same extent from one of the Legal Heirs of Muni Venkadappa in the year 2008. According to the defacto



complainant, the legal heirs of Muni Venkadappa misrepresented and sold the property to various third parties including the petitioner/A1 without having any right to sell the property. Hence, the defacto complainant has given a complaint and based on that, a crime was registered in Crime No.29 of 2014 by the first respondent police.

3. The learned counsel appearing for the petitioner submitted that the petitioner/A1 purchased the property in the year 2008 from one of the legal heir's of Muni Venkadappa whereas, the defacto complainant has purchased the property in the year 2013, i.e., five years after the purchase made by the petitioner/A1. Now, alleging that the petitioner/A1 along with other accused has committed forgery and cheated the second respondent/defacto complainant, the present crime has been registered.

4. The learned counsel appearing for the petitioner further submitted that now both the petitioner as well as the defacto complainant have filed two separate suits for declaration of title and both the suits are pending. Further, in one of the suit, the Civil Court has also granted an interim order of injunction in favour of the petitioner.

5. The learned counsel appearing for the second respondent / defacto complainant would submit that after the death of Muni Venkadappa, his legal heirs have already sold the property in the year 1985 itself and after changing various hands, the defacto complainant purchased the property in the year 2013 and only thereafter, he came to know that the petitioner/A1 has also purchased the very same property in the year 2008 from one of the legal heirs of Muni Venkadappa, the original owner, who have already sold the property in the year 1985 itself. Hence all the accused have committed the offence and a crime has been registered and the FIR also discloses a prima facie case against the accused and therefore there is no reason to quash the same.

6. I have considered the rival submissions.

7. Perusal of the records, it could be seen that it is clearly a title dispute between the parties and now it is stated that two suits are pending between the parties, one filed by the petitioner/A1 and another filed by the second respondent/defacto complainant for declaration of title in respect of the very same property. That apart, now it is stated that an order of interim injunction has also been granted in favour of the petitioner/A1. Considering those circumstances it is only a civil dispute between the parties and it can only be resolved in a Civil Court and no criminal offence has been made out.



8. In the above circumstances, I am inclined to quash the F.I.R.No.29 of 2014 on the file of the first respondent police and allow this criminal original petition.

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Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

kk

To

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Krishnagiri.
2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Elilarasan, Advocate, S.R.No.60555

+1cc to M/s.V.Nicholas, Advocate, S.R.No.60854

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KSM(CO)
SU(08/12/2021)