

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.521 of 2018

S.Kalaiselvi

..Petitioner/Accused 2

Vs.

1. The State rep. by
The Inspector of Police,
Team 16A Central Crime Branch,
Vepery, Chennai - 7.

2. Mr.Nambi Dasan

..Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records of the entire proceedings in Crime No.60 of 2016 for an offences under section 420, 419, 467, 468, 471 r/w 120b IPC on the file of the First Respondent and quash the same.

For Petitioner : Mr.P.Sivamani

For Respondents : Mr.C.Raghavan

Government Advocate for R1

ORDER

This petition has been filed to quash the FIR in Crime No.60 of 2016 pending investigation on the file of the 1st respondent police.

2.The petitioner has been arrayed as A2 in the FIR. The petitioner took a very specific stand that she is an innocent purchaser of the property and she is willing to cancel the sale deed. When the petitioner filed an anticipatory bail petition before this Court, the parties were referred to the Mediation Centre and there was a settlement between the parties which resulted in the execution of a cancellation deed by the petitioner on 19.9.2017. For proper appreciation, the order passed in the anticipatory bail is extracted hereunder:

3.The case of the prosecution is that the property belongs to the de facto complainant was sold to the petitioner herein/A2, by playing fraud by A1.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent purchaser and that she was also cheated by one Nambidasan/A1 and that she has nothing to do with the alleged offence. It is further stated that this Court referred the matter to the Mediation Centre and that in pursuance of the order passed by this Court dated 11.09.2017, the petitioner executed the cancellation of sale deed in respect of the property in question. The defacto complainant has also acknowledged that the cancellation of sale deed has been executed by the petitioner herein.

5.The learned Government Advocate (Crl. Side) appearing for respondent has no objection to grant anticipatory bail to the petitioner.

6.Having regard to the fact that the cancellation deed has been executed by the petitioner herein in respect of the property in question and that it is not said that custodial interrogation of the petitioner is necessary in this case, this Court is inclined to grant anticipatory to the petitioner subject to the following conditions:

3.In view of the above development, no useful purpose will be served in continuing with the investigation as against the petitioner and the same will only amount to abuse of process of law.

4.In view of the above discussion, the FIR in Crime No.60 of 2016 on the file of the 1st respondent is quashed insofar as the petitioner is concerned.

5.This Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
Team 16A Central Crime Branch,
Vepery, Chennai - 7.

2. The Public Prosecutor,
High Court, Madras.

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SSN(CO)
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