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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20405 of 2018

and

Crl.M.P.Nos.10963 & 10964 of 2018

S.Vanniya Raj @ S.V.Raja

... Petitioner

Vs.

1. State by Inspector of Polic,
H8, Tiruvottiyur Police Station,
Chennai.

2.D.Lakshmanan

... Respondents

PRAYER:

Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.898 of 2018, on the file of the Inspector of Police, H-8, Tiruvottiyur Police Station, Chennai and quash the same.

For Petitioner : Mr.B.Kumar, Senior Counsel
For M/S.T.Sudhan Raj

For Respondent : Mr.C.E.Pratap-R1
Public Prosecutor
Mr.V.Jeevagiridharan-R2

O R D E R

The petitioner has filed this petition seeking to quash the FIR in Crime No.898 of 2018, on the file of the Inspector of Police, H-8, Tiruvottiyur Police Station, Chennai, which was filed against the petitioner.

2. The case of the prosecution is that the petitioner was the power agent of one Pattammal and others in respect of certain plots in Nos.149,150,151,152,154,172 comprised in S.No.308,309,310/1,31082 situated in Sathangadu Village. The



petitioner, as a power agent, entered into an agreement of sale dated 07.02.2009 with the defacto complainant for the sale of the above said plots fixing the total sale consideration of Rs.25 Lakhs and received an advance amount of Rs.7 Lakhs periodically from 30.07.2010 to 27.12.2010. Thereafter, the petitioner has refused to register the sale deed in favour of the defacto complainant. Hence, the defacto complainant lodged a complaint before the first respondent police on 25.02.2018 against the petitioner. Based on this complaint given by the second respondent/defacto complainant, an FIR came to be registered for an offences under Section 406 and 420 of IPC. Challenging the said FIR, the petitioner has filed the present petition with the afore said prayer.

3. The learned Senior counsel appearing for the petitioner submitted that though the alleged agreement was entered into between the petitioner and the defacto complainant on 07.02.2009 and last payment was made on 27.12.2010 to the tune of Rs.11 Lakhs including the advance amount. However, the defacto complainant lodged a complaint before the first respondent police only on 31.07.2018 and on perusal of the complaint, he has not disclosed any crime against the petitioner. The learned Senior counsel further submitted that on the earlier occasion, the petitioner filed a complaint before the respondent police, for which, the petitioner fled an anticipatory bail petition before this Court in CrI.OP.No.4965 of 2018. This Court directed the respondent police to conduct enquiry and after such enquiry take appropriate action either to file FIR or close the complaint and report it to the Court. The petitioner complied with the orders of this Court and appeared before the respondent police on 10.03.2018 and submitted all the necessary copies of documents and cooperated for the enquiry. The defacto complainant has also participated in the proceedings. During the hearing dated 16.03.2018, this Court, was pleaded to close the CrI.OP.No.4965 of 2018 based on the submission of the learned Government Advocate. Suppressing all these facts, the defacto complainant filed another CrI.OP.No.8224/2018 on 14.03.2018 and obtained an ex-parte order from this Court to register the FIR against the petitioner. Based on the said order, the present FIR has been filed against the petitioner. The learned Senior Counsel further submitted that on instructions, the petitioner is ready to pay a sum of Rs.1,00,000/- (Rupees one lakhs only) to the defacto complainant. The defacto complainant paid the entire amount only to the land owners and not to the petitioner, he is only a power agent. Hence, the learned Senior counsel prays that the petitioner is innocent and he has not committed any offence and a false case has been foisted against the petitioner and seeks to quash the FIR which was filed against the petitioner.



within a period of four weeks from the date of receipt of a copy of this order.

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9. With the above observations and directions, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
H8, Tiruvottiyur Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.T.Sudharaj, Advocate, S.R.No.55715

+1cc to Mr.V.Jeeva Giridharan, Advocate, S.R.No.56049

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PA (CO)
AJ (07/06/2022)