



Crl.O.P.No. 3283 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: **21.12.2021**

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No. 3283 of 2017

and

Crl.M.P.No.2369 of 2017

Duraisamy

S/o.Krishna Moorthi

... Petitioner/ Accused 4

Versus

1. The State Represented by
Inspector of Police,
District Crime Branch,
Erode.

2.Dr.T.C.Gnanasekaran

... Respondents

PRAYER: This Criminal Original Petition has been filed to quash the proceedings in C.C.No.131 Of 2014 pending on the file of the Chief Judicial Magistrate, Erode.

For Petitioner ... Mr.P.Muthukumarasaamy

For Respondents ... Mr.S.Vinoth Kumar
Govt. Advocate (Crl.side) for R1
Mr.E.P.Senniyangiri for R2



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ORDER

This Criminal Original Petition has been filed to quash the proceedings against the petitioners in C.C.No.131 of 2014 pending on the file of the Chief Judicial Magistrate, Erode for the offence under Section 120B, 420, 468,471, 294(b) and 506(i) IPC.

2. The crux of the charge against the petitioners is that the first accused, who was the owner of the property having been purchased the same in the year 1985, sold the same to the *de facto* complainant on 24.02.2010. Thereafter, all the family members of the accused colluded together and filed a suit for partition of the said property and obtained a decree fraudulently to defeat the rights of the purchaser.

3. Heard the learned counsel for petitioners, learned Government Advocate (Crl.side) for first respondent and the learned counsel for second respondent.

4. This Court perused the entire materials filed in the form of a typed-set of documents. The materials collected by the prosecution reveal that the first accused having sold the property stood in her name, conspired with other



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family members, namely her husband (A2), daughter(A3) and son (A4) and filed a collusive suit for partition by making A3 as plaintiff and A1, A2 and A4 as defendants, wherein defendants remained *ex parte* and obtained an *ex parte* collusive partition decree by suppressing the fact that the property was already sold to another person thereby they committed the offences referred to above. Having regard to the nature of the materials collected, this Court is of the view that this is a fit case in which trial has to see its logical end and this petition is liable to be dismissed.

4. Accordingly, this Criminal Original Petition is dismissed. The trial Court shall decide the case on its own merits. Consequently, the connected miscellaneous petition is closed.

21.12.2021

Index : Yes / No

Internet: Yes

Speaking/non speaking order
gpa/gba

To

1. The Chief Judicial Magistrate,
Erode.
2. The Inspector of Police
District Crime Branch,

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Erode.

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3. The Public Prosecutor,
Madras High Court,
Chennai.



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N. SATHISH KUMAR, J
gba/gpa

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