



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 16/12/2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.23536 of 2017

and

Crl.M.P.No.13661 of 2017

1. K. Sekar
2. Finance K.M.Raja
3. Raja
4. A. Ramachandran ... Petitioners/Accused 1 to 4

Vs

1. The Assistant Commissioner of Police
Law & Order
Salem North Range
Salem City
Salem.
2. The State
rep. By its Inspector of Police
Hasthampatti Police Station
Salem City
Salem. ... 1st and 2nd Respondents/
1st & 2nd Respondents
3. K. Kuppusamy ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the FIR in Crime No.366 of 2017 on the file of the second respondent.

For Petitioners ... Mr.A.Esakkiappan

For Respondents ... Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)
for R.R.1 and 2

Mr.V.Raghavachari
for R.3



O R D E R

WEB COPY This Criminal Original Petition has been filed to quash FIR in Crime No.366 of 2017 on the file of the second respondent.

2. The crux of the prosecution case is that the defacto complainant stated to be the owner of the property. He has sold the property to the accused without receiving any consideration. Thereafter, the accused has agreed to sell the property, provided the defacto complainant pays Rs.2 crores. Thereafter, when the defacto complainant informed the accused that he has money to repay the amount, the accused has abused him and also made a threat, thereby the offence committed.

3. Heard Mr.A.Esakkiappan, learned counsel for the petitioners, Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side) for the respondents 1 and 2 and Mr.V.Raghavachari, learned counsel for the third respondent.

4. Learned counsel appearing for the petitioners submitted that the property was originally sold by the defacto complainant as power agent to one Amaravathi and two others, on 15/12/2008, itself. From the said Amaravathi and 2 others, the petitioners have purchased the property by way of a sale deed, dated 11/5/2010. Therefore, the contention that the petitioners have sold the property to the defacto complainant is highly improbable and this case is nothing but an abuse of process of law

5. Learned counsel appearing for the third respondent/defacto complainant submitted that the amount has not been paid and therefore, the First Information Report cannot be quashed.

6. At the outset, reading of the First Information Report indicate that this has been filed only to black mail the purchasers. The very allegation in the First Information Report indicate that he being the Power Agent said to have sold the property to these petitioners. Thereafter, in the year 2017, he requested them to reconvey the property on payment of Rs.2 crores. However, the accused has abused the defacto complainant.

7. This Court is unable to comprehend as to how the defacto complainant agreed to pay Rs.2 crores when he has not received any sale consideration and that itself create a serious doubt to



the First Information Report. It is also relevant to note that sale deed placed before this Court dated 15/12/2008 makes it clear that as a power agent, the defacto complainant sold the property to one Amaravathi and two others on 15/12/2008 itself. The present petitioners have purchased the property from the said Amaravathi and two others on 11/5/2010. Therefore, the question of these petitioners registering the property from the defacto complainant itself is not correct as alleged in the First Information Report. The entire First Information Report is nothing but an abuse of process of law.

8. In the result, this Criminal Original Petition is allowed. FIR in Crime No.366 of 2017, pending on the file of the second respondent is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mvs
To

1. The Assistant Commissioner of Police,
Law & Order,
Salem North Range,
Salem City,
Salem.
2. The Inspector of Police,
Hasthampatti Police Station,
Salem City,
Salem.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.V.Raghavachari, Advocate Sr.67669
+1cc to M/s.A.M.Esakkiappan, Advocate Sr.67647

Crl. O.P. No.23536 of 2017

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srg 04/01/2022