



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.24151 of 2017
and
CrI.M.P.Nos.13969 & 13970 of 2017

Thaiyalnayagi

... Petitioner/ Accused

Versus

G.Kaliyamoorthy

... Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.40 of 2017 on the file of Judicial Magistrate No.II, Karaikal and quash the same.

For Petitioner ... Mr.K.Govi Ganesan

For Respondent ... Mr.G.Sharath Chandran

O R D E R

This Criminal Original Petition has been filed to quash case in C.C.No.40 of 2017 pending on the file of Judicial Magistrate No.II, Karaikal for the offences under Section 418 IPC.

2. Heard the learned counsel for the petitioner.

3. The crux of the allegation of the de facto complainant is that the accused/petitioner herein availed drought relief from the Agricultural Department in respect of the land belonging to the de facto complainant in Ward D, Block No.1, T.S.No.23/4/2 for an extent of 66A - 89Ca, thereby committed offence under Section 418 IPC.

4. It is submitted by the learned counsel for the petitioner that the allegation in the complaint is found to be false and even the Agriculture Department has issued a reply stating that the drought relief has not been paid towards the



aforementioned land belonging to the de facto complainant. Further, the de facto complainant has not applied for any drought relief and therefore, the question of initiating prosecution for the offence under Section 418 IPC does not arise. In this regard, learned counsel also brought to the notice of this Court the reply given by the Additional Director of Agriculture, Karaikal, wherein he has clearly stated that drought relief has not been paid in respect of the land in T.S.No.D/1/23/4/2 for an extent of 66A-89ca. It is also stated in the report that the de facto complainant has not applied for the drought relief.

5. As the very report of the Agriculture Department indicates that there was no such fund paid, therefore, the question of causing wrongful loss with knowledge will not arise to attract offence under Section 418.

Accordingly, instant Criminal Original Petition is allowed and the case in C.C.No.40 of 2017 is quashed. Consequently, the connected miscellaneous petitions are closed. If the report of Agriculture Department is found to be false, de facto complainant may file fresh complaint.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gba/gpa

To

1. The Judicial Magistrate No.II
Karaikal
2. The Public Prosecutor
Madras High Court
Chennai.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.61308

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GPL(CO)
CT 10/12/2021