



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.15407 of 2017

and

Crl.MP(MD)No.10241 of 2017

WEB COPY

1.M.Veeranan
2.V.Kalamalini
3.K.Ramakrishnan
4.K.Ganaprakasam

... Petitioners/Accused Nos.1 to 4
Vs.

P.Ayammal ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the impugned private complaint in C.C.No.27 of 2014 pending on the file of the learned Special Judge for Land Grabbing Cases, Madurai and to quash the same as illegal, improper and arbitrary.

For Petitioners : Mr.R.Murugan
For Respondent : Mrs.D.Deepamathi
Legal Aid Counsel

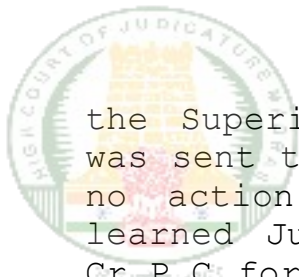
ORDER

This petition has been filed to quash the C.C.No.27 of 2014 pending on the file of the learned Special Judge for Land Grabbing Cases, Madurai.

2.The case of the complainant before the Trial Court:-

i) One Perumal Konar, husband of the complainant purchased 7 cents of land comprised in S.No.224 at Muduvarpatti Village, Vadipatti Taluk, Madurai District, from one Subbammal. He put up a cow shed in the property and the said Perumal died some 12 years back. The children of the complainant are residing separately. Taking advantage ill-literacy of the complainant, the first accused created a false sale deed in the name of the second accused on 01.12.2013. The complainant demanded the accused to cancel the sale deed. The accused Nos.3 & 4 abused the complainant in filthy language and at the instigation of the first accused, the accused No.2 to 4 assaulted the complainant.

ii) So, the complainant filed a complaint before the Alanganallur Police Station on 09.02.2013. But, she was directed to file a complaint before the District Crime Branch, Madurai District. So, she made a complaint to the District Crime Branch on 09.02.2013. Again, she was directed to file a complaint before the



the Superintendant of Police, Madurai District. So, a complaint was sent through the registered post on 11.02.2013. But, there was no action. So, the complainant, filed a petition before the learned Judicial Magistrate No.I, Madurai under Section 156 (3) Cr.P.C for a direction. Based upon the direction, a case in Crime No.13 of 2013 for the offences punishable under Sections 323, 420, 406, 469, 471, 294 (b) and 506 (i) and Section 4 of Women Harassment Act, was registered.

iii) But, without proper investigation, final report was filed by the Investigating Officer on 09.07.2013 stating as 'action dropped'. Seeking quashment of the private complaint, this petition was filed by the accused. During the pendency of this petition, the complainant appears to have died. So, the matter was listed for filing steps and inspite of repeated adjournments, none appeared for the respondent and filed steps. So, Mrs.D.Deepamathi, learned counsel was appointed as Legal Aid Counsel for the deceased sole respondent.

3. Heard both sides.

4. A perusal of the complaint shows that there was a dispute between the accused on one side and the complainant's husband in the other side. According to the complainant, the property was purchased by her husband on 25.09.1965. But. Later, he came to know that the accused executed some sale deeds in respect of that property. In pursuance of which, the occurrence said to have taken place on 09.02.2013. Further, on that date, she was abused in filthy language and also criminally intimidated and also assaulted. But, where the abuse took place, is not stated by her in her complaint.

5. Moreover, the words 'assault' uttered by the accused will not come under the definition of 503 of IPC. Mere utterance of words, without any consequential act, will not attract the ingredients of the offence under Section 506 IPC.

6. The next allegation is that she was assaulted. Regarding this, no document has been produced by her. But, she was not admitted in the hospital and took treatment. So, there is no *prima facie* materials available on record to show that she was assaulted.

7. With regard to the offences under Sections 428, 406, 469 and 471, no averments are mentioned in the complaint as to how and by whom, those offences were committed. Only vague allegations were made in the complaint.



8. So, in the absence of any such proper materials and in the light of the death of the complainant and in the absence of none available to prosecute the complainant, I am of the considered view that no useful purpose is going to be served in keeping the private complaint pending before the Trial Court. So, in the light of the above said discussion, the petition is liable to be allowed.

9. Accordingly, the impugned private complaint in C.C.No.27 of 2014, pending on the file of the learned Special Judge for Land Grabbing Cases, Madurai, is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Special Judge for Land Grabbing Cases,
Madurai.

Crl.O.P. (MD)No.15407 of 2017
and
Crl.MP (MD)No.10241 of 2017
01.04.2021

SJ(CO)
TR(18.05.2021) 3P 2C