



Crl.O.P.No.12211 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.12211 of 2019

and

Crl.M.P.No.6397 of 2019

R.P.Ganesan

... Petitioner

-Vs.-

1.State rep by Inspector of Police,
C-4, Somangalam Police Station,
Kancheepuram District,
(Crime No.163 of 2007)

2.V.Srinivasan.

.. Respondents

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating to the C.C.No.140 of 2009 on the file of the learned District Munsiff Cum Judicial Magistrate, Sri Perumbudur, Kancheepuram District and quash the same.



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For Petitioners	:Mr.V.Murugesan
For Respondent	:Mr.N.S.Suganthan, Government Advocate (Criminal side) for R1 R2-Died-Notice returned.

ORDER

This Criminal Original Petition has been filed to quash the criminal complaint in C.C.No.140 of 2009 on the file of the learned District Munsiff Cum Judicial Magistrate, Sriperumbudur.

2. The said complaint is the result of investigation in Crime No.163 of 2007 registered based on the complaint given by the second respondent/V.Srinivasan. This petitioner is arrayed as A3. According to the final report, the land owned by the *de facto* complainant measuring 17 cents has been fraudulently transferred in the name of A2/Venu Naicker by A1/Vembuli Mudaliyar vide document dated 27.05.1983. Pursuant to that, knowing fully well that the title deed in favour of the second accused is a fraudulent deed, the petitioner herein had purchased it and taken possession of the same. When the *de facto* complainant came to know



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about the illegal occupation and questioned the third accused/petitioner herein, he was threatened with dire consequences. Hence the complaint.

3. As per the complaint, threatening by these accused occurred on 27.06.2007 at 10:30 am whereas, the complaint was given on 04.11.2007. Above all, the *de facto* complainant, who claims that 17 cents of his land has been has been fraudulently transferred vide document of the year 1974 followed by the sale deed of the year 1983 and 1988, had given the complaint only in the year 2007. Further, though the final report was filed in the year 2009 and taken on file as C.C.No.140 of 2009, till date there is no progress in the trial and the *de facto* complainant now reported to be dead. The belated complaint alleging the forgery and fraudulent transaction of immovable property, which alleges to occur in the year 1974, have now been questioned by way of a criminal complaint initiated in the year 2007.

4. The petitioner herein claims that he is an innocent purchaser of the property based on the title document of his vendor and since 1988, he is in possession of the property and enjoying the same. By no such of



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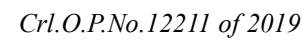
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imagination he can be considered as a fraudulent purchaser based on the fact that the alleged offence was committed in the year 1974 itself.

5. The learned Government Advocate (Criminal side) submits that A1/Vembuli Mudaliyar died.

6. This Court on perusing the records finds that there is no *prima facie* material to prosecute this petitioner for the offences under Sections 467, 471 and 423 IPC or for the offences under Section 506(ii) IPC for criminal intimidation. Since there is no specific allegations against this petitioner and also belated complaint of the said occurrence without any progress in trial, this Court quash the complaint in C.C.No.140 of 2009 as against this petitioner.

7. In view of the above, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.



31.10.2022

Index: Yes/No

Internet : Yes/No

nsa

To

1. The District Munsiff Cum Judicial Magistrate,
Sri Perumbudur,
Kancheepuram District
2. The Inspector of Police,
C-4, Somangalam Police Station,
Kancheepuram District,
(Crime No.163 of 2007)
3. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

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