



Crl.O.P.No.15636 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.15636 of 2019

and

Crl.M.P.No.7773 of 2019

1.K.Mariyappan
2.Muthuraja

... Petitioners

-Vs.-

1.The State
Rep by the Sub Inspector of Police,
DCB/ALGSC, SP Office,
Nagapattinam District.
(Crime No.11 of 2016)

2.R.Senthil Kumar

.. Respondents

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the entire records pertaining to the impugned FIR No.02 of 2019 on the file of the 1st respondent, SP Office, Nagapattinam and quash the same.



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For Petitioners :Mr.P.Vijendran

For Respondent :Mr.N.S.Suganthan,
Government Advocate (Criminal side)
for R1
Mr.P.Dinesh Kumar, for R2

ORDER

This Criminal Original Petition has been filed to call for the entire records pertaining to the impugned FIR No.02 of 2019 on the file of the 1st respondent, SP Office, Nagapattinam and quash the same.

2. The *de facto* complainant has lodged a criminal complaint alleging that the petitioner has fraudulently mutated the record and got patta in his name, though the ground belongs to the grandfather of the *de facto* complainant.

3. The learned counsel for the petitioner submits that the father of the petitioner herein constructed a building in the disputed land and he is



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being in enjoyment and possession of the said property since 1953 after executing lease deed in respect of the ground. Thereafter due to uninterrupted continuous possession, patta of the land has been transferred in the year 2016. While so, the criminal complaint with suppression of certain facts and with malicious intention has been lodged.

4. After hearing the learned counsel for the petitioner and the learned counsel for the *de facto* complainant/respondent, it is brought to the notice of this Court that the mutation of the revenue record in the year 2016 has been done fraudulently and the same has been challenged by way of the petition before the RDO to cancel the mutation of revenue records in favour of the petitioner/K.Mariyappan and the said petition to the RDO, Myladudurai is still pending.

5. This Court is sufficiently convinced that this is a matter of civil dispute regarding title and the same should be first decided by the Revenue Officials, who has mutated the patta in favour of the petitioner herein. If there is any findings that the mutation was done by fraudulent



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representation, only then the cause of action to initiate criminal prosecution will arise.

6. In view of the above, this Criminal Original Petition is allowed. Accordingly, the complaint in FIR No.2 of 2019 is quashed with liberty to the second respondent herein to work out his remedy in the pending representation before RDO regarding the mutation of the record. Consequently, connected miscellaneous petition is also closed.

31.10.2022

Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

nsa

To

1.The Sub Inspector of Police,
DCB/ALGSC, SP Office,
Nagapattinam District.
(Crime No.11 of 2016)

2.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

nsa

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