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Crl.OP.No.16532 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.OP.No.16532 of 2019
and Crl.MP.No.8308 of 2019

S.Govindaraj

... Petitioner

Vs.

1.The Inspector of Police,
V-7, Nolambur Police Station,
Chennai-37. (Crime No.274 of 2019)

2.P.Reesa

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the First Information Report in Crime No.274 of 2019 dated 21.05.2019 on the file of the first respondent and quash the same.

For Petitioner : Mr.S.Doraiswamy

For R1 : Mr.N.S.Suganthan
Government Advocate,
(Crl.Side)

For R2 : No appearance

ORDER



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There is no representation for the second respondent, though the name of the counsel for the second respondent was printed in the cause list.

2.This petition is filed to quash the First Information Report registered by the first respondent on 21.05.2019.

3.A criminal complaint was given by the second respondent on 12.06.2019 alleging that she along with the petitioner and one other person Thiagarajan were doing Real Estate Business as partners. The partnership firm was not duly registered and they were carrying on business since 1991. While so, when Tamil Nadu Housing Board promoted commercial plots at Mugappair West Development Scheme, in order to purchase the plots, the partnership decided to apply. However, as per the terms of the Housing Board, only registered partnership firm can apply for commercial plots. Therefore, on mutual understanding, application was made in the name of the petitioner and the partners have decided that if they got allotment of the commercial plots, they will divide it equally 1/3rd each and pay for the sale consideration. In spite of mutual gentlemen agreement, the

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petitioner, after getting allotment in his name and sale deed in his name and also earmark 1/3rd in the land to the defacto complainant, had forcibly demolished the compound wall and taken over the vacant possession and also refused to honour the promise. Hence, the complaint, which has been registered in Crime No.274 of 2019 dated 21.05.2019 for alleged offence under Sections 406, 447, 427, 506(i) I.P.C.

4.Learned counsel for the petitioner would submit that false allegation was made against the petitioner, without any iota of document and communication of Tamil Nadu Housing Board alleging the allotment of commercial land under lease cum sale agreement dated 17.08.1992 issued in favour of the petitioner was to be construed as an allotment in favour of the defacto complainant. The second respondent has given the above complaint only after 17 years from the date of sale lease cum sale agreement, which per se disclosing the falsity and fallacy in the complaint. Hence, the frivolous complaint has to be quashed to avoid miscarriage of justice.

5.The learned Government Advocate appearing for the first



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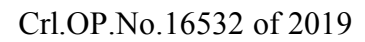
respondent State produced the CD file for perusal.

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6.On perusing the CD file, this Court finds except the complaint, self serving document of statements written in hand and income tax returns of the defacto complainant, there is no piece of evidence to show that at the first instance, the petitioner and the defacto complainant as partners were carrying on business under the name and style of M/s.Rajaji Leasing Agencies, Chennai. Further, there is no material to show that the defacto complainant financially contributed her share for the purchase of right in favour of the petitioner. Though in the complaint, it is stated that the payment of money is reflected in the Income Tax returns, there is no such indication in the income tax returns submitted by the defacto complainant to the police. The complaint, on reading, clearly indicates that it is an imaginary allegation made, which is highly improper in view of the belated complaint given by the defacto complainant which is more than 17 years from the date of alleged allotment. Hence, this petition stands allowed and the First Information Report in Crime No.274 of 2019 is

hereby quashed. Consequently, connected miscellaneous petition is

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closed.

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vga
Index:yes/No
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To

- 1.The Inspector of Police,
V-7, Nolambur Police Station,
Chennai-37.
- 2.The Public Prosecutor,
High Court, Madras.



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vga

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