

**Crl.O.P.Nos.19744 & 19827 of 2022****G.K.ILANTHIRAIYAN, J.**

Today, the matter is listed under the caption "for being mentioned".

2. It is brought to the notice of this Court that some typographical error has been crept in the order dated 30.08.2022 in this present petition. Accordingly, the following corrections shall be incorporated in the order:

(i) In paragraph No.2, instead of

"2. The case of the prosecution is that all the accused persons approached the defacto complainant and agreed to sell the 3rd accused's property to the extent of 324.26 sq.mts situated at Mugappair comprised in Survey No.361/2B, 74/1 for the sale consideration to the tune of Rs.3 Crores. Later the 3rd accused refused to execute sale deed in favour of defacto complainant. Under the **pretext** of sale, the defacto complainant paid a sum of Rs.50,00,000/- through RTGS in favour of the 4th accused and Rs.2,50,00,000/- by way of cash on various dates. However, the sale deed was not executed by the 3rd accused, thereby there arose a dispute between the 3rd accused and the defacto complainant and a meeting was held on 01.10.2018, wherein the 3rd accused repaid a sum of Rs.10,00,000/- only to the dafacto complainant. Thereafter, the 3rd accused failed to pay the remaining amount and sold the said property to the third party. Hence, the complaint."



WEB COPY



it should be corrected as,

"The case of the prosecution is that all the accused persons approached the defacto complainant and agreed to sell the 4th accused's property to the extent of 324.26 sq.mts situated at Mugappair comprised in Survey No.361/2B, 74/1 for the sale consideration to the tune of Rs.3 Crores. Later the 4th accused refused to execute sale deed in favour of defacto complainant. Under the **agreement** of sale, the defacto complainant paid a sum of Rs.50,00,000/- through RTGS in favour of the 4th accused and Rs.2,50,00,000/- by way of cash on various dates. However, the sale deed was not executed by the 4th accused, thereby there arose a dispute between the 4th accused and the defacto complainant and a meeting was held on 01.10.2018, wherein the 4th accused repaid a sum of Rs.10,00,000/- only to the defacto complainant. Thereafter, the 4th accused failed to pay the remaining amount and sold the said property to the third party. Hence, the complaint."

(ii) In paragraph No.3, instead of

"There are totally four accused, in which the petitioners are arrayed as A1 to A4. The 1st and 2nd accused are **maternal uncle and aunt** of the defacto complainant. The 3rd accused is the daughter of the 1st accused and 4th accused is the husband of the 3rd accused"



WEB COPY



it should be corrected as,

“There are totally four accused, in which the petitioners are arrayed as A1 to A4. The 1st and 2nd accused are **close relatives of the defacto complainant**. The 3rd accused is the daughter of the 1st accused and 4th accused is the husband of the 3rd accused”

(iii) In paragraph No.5, instead of

“5. A perusal of the FIR reveals that, immediately after payment, there was a friction with the **petitioner** and the 4th accused in the month of October 2018 itself. The 4th accused refused to register the sale deed in respect of the subject property. Insofar as receipt of Rs.50,00,000/- lakhs is concerned, the 4th accused returned a sum of Rs. 20,00,000/-”.

it should be corrected as

“5. A perusal of the FIR reveals that, immediately after payment, there was a friction with the **defacto complainant** and the 4th accused in the month of October 2018 itself. The 4th accused refused to register the sale deed in respect of the subject property. Insofar as receipt of Rs.50,00,000/- lakhs is concerned, the 4th accused returned a sum of Rs. 20,00,000/-”.

(iv) In paragraph No.6, instead of

“6. The learned Senior Counsel appearing for Intervener submitted that all the accused persons have jointly received a sum of Rs.3,00,00,000/- to sell **their** property owned by the 4th



accused. On three occasions a sum of Rs.50,00,000/- was paid through RTGS in favour of the 4th accused and a sum of Rs.2,50,00,000/- paid by cash on various occasions. On receipt of the same, the accused persons refused to execute any sale deed in favour of the defacto complainant. The other transactions between the daughter of the defacto complainant and the 4th accused has nothing to do with the friction crime. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.”

it should be corrected as

“6. The learned Senior Counsel appearing for Intervener submitted that all the accused persons have jointly received a sum of Rs.3,00,00,000/- to sell **the** property owned by the 4th accused. On three occasions a sum of Rs.50,00,000/- was paid through RTGS in favour of the 4th accused and a sum of Rs.2,50,00,000/- paid by cash on various occasions. On receipt of the same, the accused persons refused to execute any sale deed in favour of the defacto complainant. The other transactions between the daughter of the defacto complainant and the 4th accused has nothing to do with the friction crime. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.”

(v) In paragraph No.8, instead of



WEB COPY



“8. A perusal of the statement of accounts shows that there are various money transaction between them. Therefore, it cannot be said that there was the friction between both family members at the end of the year **2010**. Admittedly, they are relatives. Further, the 4th accused had already returned a sum of Rs.20,00,000/- to the defacto complainant. However, the learned counsel appearing for the petitioner submitted that the 4th petitioner is ready and willing to deposit the remaining amount without prejudice to the right of defence.”

it should be corrected as

“ 8. A perusal of the statement of accounts shows that there are various money transaction between them. Therefore, it cannot be said that there was the friction between both family members at the end of the year **2018**. Admittedly, they are relatives. Further, the 4th accused had already returned a sum of Rs.20,00,000/- to the defacto complainant. However, the learned counsel appearing for the petitioner submitted that the 4th petitioner is ready and willing to deposit the remaining amount without prejudice to the right of defence.”

G.K.ILANTHIRAIYAN, J.

Lpp/vsn

3. Registry is directed to carry out the necessary corrections in the



6

Order dated 30.08.2022 in Crl.O.P.Nos.19744 & 19827 of 2022 and issue
fresh order copy.

12.09.2022

Lpp/vsn

Crl.O.P.Nos.19744 & 19827 of 2022

12.09.2022

Page 6 of 6