



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.1624 of 2020

&

Crl.M.P.(MD)No.750 of 2020

WEB COPY

1. Velu

2. Indira

3. Tamilvasagam

... Petitioners/accused No 1 to 3
Vs.

1. State represented by
The Inspector of Police,
Karaikudi South Police Station,
Karaikudi,
Sivagangai District.
(Crime No.245 of 2019)

...1st Respondent/Complainant

2. Meyyappan

...2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records relating to the FIR in Crime No.245 of 2019, dated 17.09.2019, on the file of the 1st respondent police, and quash the same as against the petitioners.

For Petitioner	: Mr.P.Athimoolapandian
For R1	: Mr.R.M.Anbunithi
	Additional Public Prosecutor
For R2	: M.Karthikeyavenkitachalapathy

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.245 of 2019 on the file of the 1st Respondent.

2.The crux of the complaint is that the second respondent is the absolute owner of the property, comprised in Survey No.114/1 to an extent of 4/29.0 (10 Acres 60 cents). Originally it belongs to one Ulakathal and his mother Vishalatchi and other legal heirs of the said Ulakathal. The first accused without having any right over the said property, executed settlement deed on 17.07.2008, in favour of the second petitioner herein and the second petitioner on the strength of the said settlement deed, executed sale deed in favour of third persons on 17.11.2014. Further the third petitioner has also executed his relinquishment and consent deed on the same day.



3.The learned counsel for the petitioners would submit that even according to the case of prosecution, settlement deed was executed by the first petitioner, as early as on 17.07.2008. In pursuant to the settlement deed, the second petitioner executed sale deed in favour of the third parties. Therefore, admittedly the petitioners wherein possession and enjoyment of the said property, after execution of sale deed. The other third parties are in possession and enjoyment of the said property. Whereas, the second respondent claims title over the property, as he is the legal heir of one Ulakathal. He climbed right over the said property by way of Judgment and decree in O.S.No.400 of 1962. Whereas, the first petitioner claimed the said property through his first wife, viz., Ulakathal of one China Karuppan and he is the one of the clan of the first wife. Therefore, there is civil dispute between the petitioner and the second respondent, being the first wife's clan and the second wife's clan, over the subject property.

4.In fact, in the year 2008, the first petitioner executed settlement deed in favour of the second petitioner and who in turn, executed sale deed in favour of third parties. The second respondent never in possession and enjoyment of the said property. After a period of 11 years, the second respondent claimed that the first petitioner without any title over the property, executed settlement deed in favour of the second petitioner. Therefore, there is absolutely no ingredients to attract any of the offences under Sections 406, 468, 420, 471 and 120(B) IPC. It shows that the second respondent gives criminal colour to the civil dispute, between the petitioner and the second respondent. It is clear abuse of process of law. The FIR registered against the petitioners cannot be sustained.

5.In view of the above, the impugned First Information Report in Crime No.245 of 2019, on the file of the first respondent is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1. The Inspector of Police,
Karaikudi South Police Station,
Karaikudi,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-10497[F] dated
08/03/2022)

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