



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.6424 of 2019

and

Crl.MP (MD)No.4246 of 2019

WEB COPY

1.Arthi @ Veeralakshmi

2.Praveena

: Petitioners/A3 and A4

Vs.

1.The State represented
by the Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

(*) (Crime No.271 of 2014)

: R1/Complainant

2.R.Manickam

: R2/De-facto complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Crime No.271 of 2014 on the file of the Inspector of Police, Usilampatti Town, Madurai District and quash the same as against these petitioners.

For Petitioner : **(*)Mr.R.Jenifar Bibin**

For 1st Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

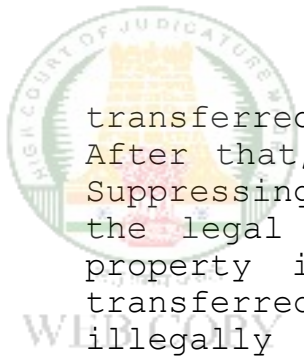
For 2nd Respondent : No appearance

O R D E R

This criminal original petition has been filed by the petitioners seeking quashment of the Crime No.271 of 2014 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

As stated in the complaint given by the 2nd respondent, on 04/07/2007, the son of the de-facto complainant by name Kishore Babu purchased the lands in survey No.151/10 and the house property measuring about 1100 square feet from one Avadai Thanga Nadar. He took the possession of the property in pursuance of the above said sale and mutation of the house tax and other charges were



transferred in his name. He died in a road accident, on 27/09/2020. After that, that property is in the management of the complainant. Suppressing the above said fact, after the death of Kishore Babu, the legal heir of the vendor namely Murugan sold the very same property in favour of Anantha Kumar on 05/01/2014. They also transferred the house tax and other charges in their namely illegally and that was endorsed by one notary public and it was prepared by one Advocate by name Natarajan. In the above said document, one Manikandan and Murugan signed as witnesses. So the property, which was once sold cannot be resold by her legal heirs. On 16/08/2014 at about 9.00 am, the de-facto complainant went to the house of the accused and on enquiry, he was abused in filthy language and also criminally intimidated. With the above said allegations, he lodged a complaint, which was registered in Crime No.271 of 2014 for the offence under sections 120-B, 465, 468, 471, 420, 294(b) and 506(i)IPC.

3. Seeking quashment of the same, the accused 3 and 4 have preferred this petition mainly on the ground that they are only witnesses to the disputed document. So this petition is filed on the ground that their grand-father by name Chinnasamy purchased the property from one Dharmaraj on 21/08/2006 in the name of his wife late Vellathayee. After the above said purchase, the Chinnasamy executed a gift deed in the name of the petitioners, by appointing the Logeshwari/A2 as a guardian. Suppressing the above said gift, the above said deceased Kishore Babu induced the Logeshwari to sell the property. Even though, the sale deed reads that Rs.4,09,100/- was paid, only Rs.1,00,000/- was paid and the remaining amount was not paid. The wife of the above said Kishore Babu filed a suit in O.S No.42 of 2009 before the Additional District Court, Madurai. Similarly, the wife of the de-facto complainant by name Amirthan also filed a suit in O.S No.162 of 2016 for declaration that the sale deed, dated 03/01/2014 as null and void and all the suits are pending. This is purely a civil dispute, which involves no criminal liability. None of the allegation in the final report or FIR attract any of the ingredients of the offences that are set out.

4. Heard both sides.

5. During the course of argument, it was submitted by the petitioners that on 06/09/2021, the sale deed was executed by A1 in favour of the first petitioner in respect of the property under dispute. So according to him, the cause of action no more exists and it has been given quia etiam. But however, in spite of repeated adjournments, there was no representation for the 2nd respondent, even though notice was served upon the 2nd respondent. In pursuance of the direction that was passed by this court, the copy of the sale deed, dated 06/09/2021 has also been produced, wherein we find that the sale deed was executed in favour of the first petitioner by the legal heirs of Mithun Kannan and his wife on her behalf and on



and executed the above said sale deed in favour of the first petitioner. The case has not been registered on the basis of the complaint given by the Manickam, now no more exists. So, on that sole ground, this petition is liable to be allowed.

6. In the result, this criminal original petition is **allowed**. The impugned FIR in Crime No.271 of 2014 pending on the file of the 1st respondent is hereby quashed as against the petitioners. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

**(*)Corrected as per the order of this Court dated 13.04.2022
made in case No. CRL OP(MD).6424 OF 2019**

Sd/-

Assistant Registrar(CS III)

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)

er

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.

To,

(*)TO BE SUBSTITUTED TO THE ORDER ALREADY DESPATCHED ON 31.03.2022

- 1.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.JENIFER BIBIN.R, Advocate (SR-12789[F] dated
17/03/2022)

**Crl.O.P. (MD)No.6424 of 2019
16/03/2022**

MK/28.03.2022/3P/4C
TR(27.04.2022) 3P 4C