



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.16072 of 2021

and

Crl.M.P. (MD)No.8641 of 2021

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Santhanam

... Petitioner/Accused No.3

Vs.

1.The State represented by
The Inspector of Police,
Thathaiyangarpet Police Station,
Thathaiyangarpet,
Trichy District.
(Crime No.272 of 2021)

... 1st Respondent/Complainant

2. Murugan

... 2nd Respondent/Defacto
Complainant

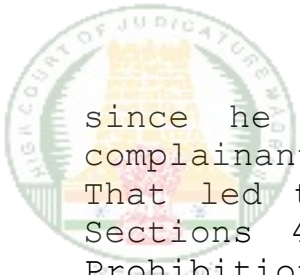
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.272 of 2021 on the file of the first respondent police and quash the same as illegal as against the petitioner.

For Petitioner : Mr.K.Arunraj
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R.1
Mr.A.V.Rajasekaran for R.2

ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the defacto complainant.

2. The case of the defacto complainant is that he had financial transaction with the first accused, namely, one Periyasamy. According to the defacto complainant, he had a right of repurchase. According to him, the first respondent had dishonest intention and cheated him and sold the property in favour of the second accused. When the defacto complainant became aware of the same, he entered into negotiation with them. Even when negotiations were going on, without his knowledge, the second accused sold the property in favour of the third accused. The



since he had become the owner of the property, the defacto complainant has to vacate and hand over possession of the same. That led to lodging of the impugned FIR for the offences under Sections 406, 506(1) IPC and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

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3. The petitioner through his counsel at the very outset gave an undertaking that he will proceed against the second respondent for securing possession only in the manner known to law. In other words, the petitioner will adopt due process while handling the second respondent. This undertaking given by the petitioner is placed on record.

4. It is seen that the transaction was primarily between the defacto complainant on the one hand and A.1 and A.2 on the other. The petitioner is only a subsequent purchaser. Therefore, none of the offences are made out against the petitioner herein. This impugned FIR stands quashed as far as the petitioner is concerned. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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

1.The Inspector of Police,
Thathaiyangarpet Police Station,
Thathaiyangarpet, Trichy District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-62[F] dated 04/01/2022)

**Crl.O.P. (MD)No.16072 of 2021
and Crl.M.P. (MD)No.8641 of 2021
03.01.2022**