



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P(MD)Nos.17770, 17773 and 17775 of 2021
and
CrI.M.P(MD)Nos.9702, 9706 & 9707 of 2021

1.CrI.O.P(MD)No.17770 of 2021:-

Uma Mageswari ... Petitioner/Accused

Vs.

1.The State of Tamil Nadu,
Represented by the Inspector of Police,
Devakkottai Town Police Station,
Devakkottai,
Sivagangai District.
(Crime No.289/2020) ... 1st Respondent/Complainant

2.R.Selvaganapathi ... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned F.I.R in Crime No.289 of 2020 on the file of the respondent Police for the offence under Section 420 I.P.C and quash the same as illegal.

For Petitioner : Mr.S.Manikandan
For R - 1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R - 2 : Mr.M.Balakrishnan

2.CrI.O.P(MD)No.17773 of 2021:-

Uma Mageswari ... Petitioner/Accused

Vs.

1.The State of Tamil Nadu,
Represented by the Inspector of Police,
Devakkottai Town Police Station,
Devakkottai,
Sivagangai District.
(Crime No.295/2020) ... 1st Respondent/Complainant



2.Ramachandran

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned F.I.R in Crime No.295 of 2020 on the file of the respondent Police for the offence under Section 420 I.P.C and quash the same as illegal.

For Petitioner : Mr.S.Manikandan
For R - 1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R - 2 : Mr.M.Balakrishnan

3.Cr1.O.P(MD)No.17775 of 2021:-

Uma Mageswari ... Petitioner/Accused

Vs.

1.The State of Tamil Nadu,
Represented by the Inspector of Police,
Devakkottai Town Police Station,
Devakkottai,
Sivagangai District.
(Crime No.296/2020) ... 1st Respondent/Complainant

2.B.Asaithambi ... 2nd Respondent/
Defacto Complainant

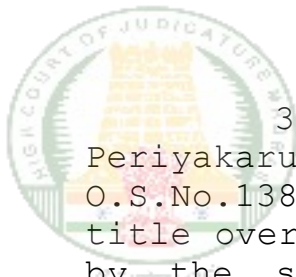
Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned F.I.R in Crime No.296 of 2020 on the file of the respondent Police for the offence under Section 420 I.P.C and quash the same as illegal.

For Petitioner : Mr.S.Manikandan
For R - 1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R - 2 : Mr.M.Balakrishnan

COMMON ORDER

The petitioner is an accused in Crime Nos.289, 295 and 296 of 2020 on the file of the first respondent on the complaints lodged by the second respondent in all the petitions.

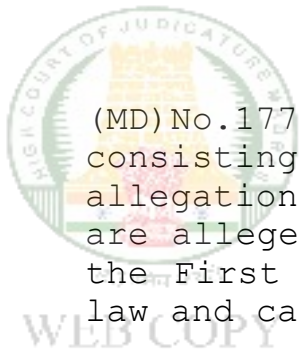
2. Since the issues involved in the petitions are one and the same, all the Criminal Original Petitions were taken up together and disposed of by this common order.



3. The common facts are that one Balamurugan, son of Periyakaruppan filed a suit as against the petitioner's mother in O.S.No.138 of 2010 on the file of the Sub Court, Devakottai, for title over the property and the said suit was dismissed. Aggrieved by the same, the said Balamurugan filed an appeal suit in A.S.No.44 of 2018 on the file of the Additional District Court, Sivaganga and during pendency of the said appeal, the petitioner's mother fell ill and decided to settle the issue amicably. Accordingly, the petitioner's mother agreed to pay a sum of Rs.20,00,000/- to the said Balamurugan. The said amount was paid to him and recorded the compromise in the appeal suit. However, due to the said settlement, various false claims made by various persons to extract money from the petitioner's mother. In this regard, one Boominathan, approached the second respondent in Crl.O.P(MD)No.17775 of 2021, who is an Advocate, to make a claim against the petitioner's mother. He lodged complaint on behalf of the said Boominathan alleging that a sum of Rs.90,00,000/- was borrowed by the petitioner's mother and her family members and failed to repay the same. Later, the second respondent in Crl.O.P (MD)No.17773 of 2021 also lodged complaint alleging that a sum of Rs.2,00,000/- paid towards advance for purchase of the subject property out of the total sale consideration of Rs.1 crore. Later, he borrowed a sum of Rs.90,00,000/- from the said Boominathan. Therefore, the said Advocate namely the second respondent in Crl.O.P(MD)No.17775 of 2021 also appeared on behalf of the said Ramachandran and lodged a complaint against the petitioner on 14.09.2020 alleging that the petitioner and her family members agreed to pay a sum of Rs.5,00,000/- for his alleged services and also for vacating the occupants from the subject property. Thereafter, he has not paid any amount as agreed by the petitioner. Admittedly, the petitioner has not received any amount from any one of the complainant and even according to the complainant, a sum of Rs.20,00,000/- was paid by the petitioner's mother. In fact, in the appeal suit in A.S.No.44 of 2018 on the file of the Additional District Court, Sivaganga, a compromise memo has been recorded, wherein a sum of Rs.20,00,000/- paid to the appellant therein and the said Balamurugan is a signatory in the said compromise. In pursuant to the above allegations, very same police station, namely, the first respondent in all the petitions have registered three cases as against the petitioner and also other family members of the petitioners.

4. Heard both sides and perused the materials available on record.

5. On a perusal of the records revealed that the petitioner's brother one Selvaganapathi who instigated and colluded with the said Advocate, namely, the second respondent in Crl.O.P(MD)No.17775 of 2021 and the said Ramachandran in Crl.O.P



(MD)No.17773 of 2021 and all of them lodged separate complaints consisting the above said allegations. It is seen from the allegations made in all the complaints, none of the ingredients are alleged to attract the offence under Section 420 of I.P.C. All the First Information Reports are nothing but abuse of process of law and cannot be sustained as against the petitioner.

6. In view of the above facts and circumstances, this Court is inclined to quash the proceedings against the petitioner.

7. Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the F.I.R in Crime Nos. 289, 295 and 296 of 2020 on the file of the first respondent is quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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,
Devakkottai Town Police Station,
Devakkottai, Sivagangai District.

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

+3 CC to M/s.M.BALAKRISHNAN, Advocate SR Nos.5258, 5259 & 5260.

+1 CC to M/s.S.MANIKANDAN, Advocate SR No.5412.

Order made in
Crl.O.P (MD) Nos.17770, 17773 and
17775 of 2021
09.02.2022