



CrI.O.P.(MD) No.21051 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.21051 of 2022

and

CrI.M.P.(MD)No.14733 of 2022

Ravichandran

...Petitioner

VS

1. The Inspector of Police
District Crime Branch Police Station,
Thanjavur

2. Tamilmani

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records relating to the summon in Na. Ka. No. G3/ 18815/22 dated 12.11.2022 issued by the first respondent dated 05.07.2022 and quash the same as illegal as against the petitioner.



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For Petitioner : Mr.S.Venkatesan
For Respondents : Mr.R.Sivakumar
Government Advocate (Crl. side)for R1

ORDER

This Criminal Original Petition had been filed to call for records relating to the summon in Na.Ka.No.G3/18815/22 dated 12.11.2022 issued by the first Respondent dated 05.07.2022 and quash the same as illegal as against the Petitioner.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner through proper registered sale deed from the mother of the defacto Complainant obtained sale deed dated 01.09.2008 and also taken possession of the land. After 14 years with ulterior motive to extract money the second Respondent had approached the first Petitioner by giving false complaint as though the Petitioner is unnecessarily interfering in her possession. Therefore the Petitioner had come forward by filing this petition seeking to quash the pending enquiry on the file of the first Respondent.



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3. The learned Government Advocate(Crl.Side) would submit that at the time of sale by the mother of the second Respondent, the second Respondent was minor. Therefore the first Respondent had summoned the Petitioner as well as the defacto Complainant/second Respondent to furnish relevant documents. Both the parties did not appear before the first Respondent. Therefore pending paper was closed.

4.The submission of the learned Counsel for the Petitioner and the learned Government Advocate(Crl.Side) on instructions from the first Respondent that the second Respondent was minor on the date of execution of sale deed by her mother is found unacceptable. Considering the age of the second Respondent as 42 years in 2022 she will be major on the date of sale deed in the year 2008. Therefore the contention of the learned Government Advocate(Crl.Side) regarding complaint with the intention that she was cheated by the Petitioner cannot at all be accepted even for argument sake. It is to be given weightage for the second Respondent to approach the Civil Court.



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5. Since Petition in Na.Ka.No.G3/18815/2022 has been closed, this Criminal Original petition stands closed. Consequently connected miscellaneous petition is closed.

29.11.2022

Internet:Yes./No
Index:Yes/no
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To

1. The Inspector of Police
District Crime Branch Police Station,
Thanjavur
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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