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1 of 4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5613 of 2022
and Crl.MP.No.3084 of 2022

J.Kamaraj, M/A-41Y
S/o.Jayaraman

.. Petitioner/Accused-2

.Vs.

1.State rep.by
The Inspector of Police
Central Crime Branch
Vepery
Chennai 600 007.
(Crime No.65 of 2019)

... Respondent/Complainant

2.Sunithi krishnamurthy, F/A-43 Y
W/o.Vijay Sharma

... Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.65 of 2019 on the file of the Central Crime Branch, Vepery, Chennai and quash the same.

For Petitioner : Ms.A.Suganya

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side)
for R1

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.65



2.The case of the prosecution is that the de facto complainant was impersonated by A1 and the property was sold in favour of the petitioner (A2). A3 and A4 stood as witnesses to the document and the other accused persons have helped A1 in preparing the documents.

3.Heard Ms.A.Suganya, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl.side) for R1.

4.The FIR was registered on 28.3.2019. The petitioner on coming to know of the registration of FIR, wanted the sale deed to be cancelled and hence, entered into a memorandum of understanding with the father of the de facto complainant on 11.6.2018. The petitioner had accepted in MOU as follows:

1.The party of the **FIRST PART** is accepting that to cancel the sale deed registered in the name of party of **FIRST PART**.

2.The party of the **FIRST PART** promises to co-operate with investigation and also appear before investigation officers when and where required.

3.The party of the **FIRST PART** promises to surrender possession of above said disputed property in the above crime number.

4. 2.The party of the **FIRST PART further** promises that support the prosecution and also appear before the court and any forum to enquire this case and the forum in which the proceed of cancellation of the above disputed sale deed when required.



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5.Pursuant to the above MOU, the sale deed was cancelled through a deed of cancellation dated 16.7.2019 registered as D.No.5911 of 2019.

6.In the light of the above development, no useful purpose will be served in prosecuting the petitioner who has purchased the property from A1 and on realising that no title passed on, the sale deed was also cancelled.

7.In view of the above, the petitioner shall be treated as a witness in this case and the investigation officer shall record the statement of the petitioner u/s.161 (3) Cr.PC. Ultimately, the final report shall be laid against those persons against whom materials are available. The final report shall be filed within a period of three months from the date of receipt of copy of this order.

8.In the result, this criminal original petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

12.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP



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4 of 4

N. ANAND VENKATESH,, J.

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To

1.The Inspector of Police
Central Crime Branch
Vepery
Chennai 600 007.

2.The Public Prosecutor
High Court, Madras.

Crl.O.P No.5613 of 2022

12.09.2023