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Crl.O.P.No.9005 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.9005 of 2023
and
Crl.M.P.Nos.5794 & 5795 of 2023

Kamesh

....Petitioner

Vs.

1. The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.
Crime No.175 of 2022.

2. Susai Raj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the impugned final report in C.C.No.386 of 2022 pending on the file of the Judicial Magistrate Court No.II at Poonamallee.

For Petitioner : Mr.M.Mohamed Saifulla

For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



ORDER

This Criminal Original Petition has been filed to call for the records and quash the impugned final report in C.C.No.386 of 2022 pending on the file of the Judicial Magistrate Court No.II at Poonamallee.

2. The learned counsel for the petitioner submitted that, petitioner was gifted with 1.12 acres of land by his father through settlement deed dated 25.03.2005. Even in the settlement deed, there is a reference about acquisition of land by National Highways Department. 2nd respondent purchased the property only after knowing about the acquisition of the land. Therefore, it is not open to the 2nd respondent to claim the property acquired by the National Highways Department. Therefore, he prays for quashment of the proceedings in C.C.No.386 of 2022 against the petitioner.

3. In response, learned Government Advocate (Crl. Side) submitted that, 2nd respondent was not informed about the acquisition of the land by the Highways Department. Petitioner had deliberately sold the portion of the land which was acquired by the Highways Department. Petitioner also received compensation for the same. Therefore, he prays for dismissal of the petition.

4. Considered the rival submissions and perused the records. The



charge against the petitioner is that, petitioner had suppressed the acquisition of the land by the National Highways Department in S.No.133/3A4 and sold an extent of 862 sq.ft acquired by the National Highways Department to the 2nd respondent. It is claimed that, petitioner had received compensation for the extent of the 862 sq.ft. By suppressing these facts, petitioner sold the property to the 2nd respondent.

5. It is seen from the gift deed dated 25.03.2005, petitioner was settled with an extent of 1.1 acres of land in S.No.133/3A1 and 11 cents in S.No.133/3A4 at Madavilagam Village. It is mentioned about the acquisition of certain portion of land by the Highways Department. It is not known, whether, this information is registered with the SRO Office. However, nothing is stated about the acquisition of the land by the Highways Department in the sale deed executed in favor of the 2nd respondent. Therefore, petitioner cannot contend that the 2nd respondent purchased the property only after knowing about the acquisition of the land. An extent of an 862 sq.ft was already acquired by the National Highways Department, out of 7848 sq.ft land purchased by the 2nd respondent. It is also not in dispute that, petitioner received compensation for the the extent of the 862 sq.ft.

6. It is informed that, out of 10 witnesses, 5 witnesses had already been



examined. Therefore, this Court finds that, there is no merits in seeking quashment of the the proceedings in C.C.No.386 of 2022.

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7. Accordingly, this Criminal Original Petition is dismissed. However, learned Judicial Magistrate No.II, Poonamalle is directed to dispose the case as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of the order. Consequently, connected miscellaneous petitions are closed.

28.06.2023

Internet:Yes
Index:Yes/No
Sma

To:



Cr.L.O.P.No.9005 of 2021

1. Sessions Judge, Udhagamandalam

2. The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.

3. The Public Prosecutor
Madras High Court.



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G.CHANDRASEKHARAN, J.

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