



Crl.O.P.No.7858 of 2023

Dr.G.JAYACHANDRAN, J.

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the State.

2. This is a case where the property originally owned by one Mohamed Ghouse and Usman bibi had been alienated in two documents. At present there is a rival claim over the title of the property by two groups. The suit was earlier instituted as rendered in a declaration of the title claimed by the petitioner herein as null and void. The petitioner has filed appeal against the decree and it is stated that the appeal is still pending. As far as the FIR registered against this petitioner on 09.03.2023 indicates that on 21.04.2022 when the *de facto* complainant's son went for clearing the bush in the disputed property, the vendors and the petitioner prevented him from clearing the bush and formed unlawful assembly and threatened with dire consequence. The complaint went to the local police not taken for investigation and therefore, the complaint dated 14.02.2023 given to the Superintendent of Police in his camp office and directed to register by the



WEB CODE

Sub Inspector of Police, Chengalpattu DCB. Accordingly, the FIR has come to be registered in Crime No.02 of 2023 dated 09.03.2023 for the alleged offences punishable under Sections 447, 463, 464, 466, 467, 468 , 471 & 506(i) r/w.34 of IPC.

3. The learned counsel appearing for the petitioner states that the petitioner is the bonafide purchaser of the property from A1 and A6 and he had been in conservative possession of the property since 2007. The partition suit filed between the erstwhile owners, the counter claim filed by the *de facto* complainant claiming title over the property based on the sale deed executed in the year 2011. No doubt, the said suit in which the petitioner was impleaded himself as a party went against the petitioner. Appeal Suit is pending and the possession still remains with the petitioner. While so, the complaint with imaginary allegations of threat been registered in connivance with the respondent police for offences, which even according to the complaint it does not exist. Hence seeks for anticipatory bail.



WEB COPY

4. This Court called for CD file and perused. It appears that a land previously owned by one Mohammed Ghouse inherited by his legal heirs now been alienated into two different sets of legal heirs. The validity of the sale deed is the subject matter of the appeal suit, which is pending. Meanwhile the parties show the strength as right to possess the property and has indulged in the crime alleged in the complaint registered in FIR No.2 of 2023 and as a consequence, the *de facto* complainant in this case alleged to have threatened the accused persons and a case in Crime No.173 of 2023 been registered on 29.03.2023 against eight persons in which the *de facto* complainant in this case is arrayed as 1st accused.

5. *Prima facie* this Court is satisfied that by showing the strength and muscle power, two groups are indulged in grabbing the property, which is the subject matter of the suit and grant of anticipatory bail will give a wrong signal to the land grabbers and also tamper the investigation of the case. Hence, this Criminal Original Petition is dismissed.

26.04.2023

rpl



Dr.G.JAYACHANDRAN, J.

rpl

Crl.O.P.No.7858 of 2023

26.04.2023