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Crl.O.P.No.9719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.9719 of 2023

and

Crl.M.P.Nos.6356 & 6358 of 2023

1. Jahir Hussain,
S/o.Mr.Jinnah

2. Thajudeen,
S/o.Mr.Jinnah

... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
Central Crime Branch, Team – 15,
Vepery, Chennai – 600 007.
(Ref. Crime No.536 of 2018 dated 28.12.2018)

2. S.Mahalakshmi,
W/o.Mr.Sundaramoorthy

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the proceedings pending in C.C.No.1/2022 on the file of the Special Court for the Land Grabbing Cases at Egmore, Chennai for offences under Sections 420, 465, 468, 471, 447 and 506(i) r/w 34 IPC.



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For Petitioners : Mr.C.Arun Kumar

For Respondents : Mr.A.Gopinath
Government Advocate [CrI.Side] [R1]

Mr.K.P.Suresh Kumar [R2]

ORDER

This petition has been filed to quash the proceedings in C.C.No.1 of 2022 pending on the file of the Special Court for the Land Grabbing Cases at Egmore, Chennai.

2. The case of the prosecution is that the subject property admeasuring 1200 sq.ft is situated at Nerkundram village. One Pushpavalli had purchased the property in the year 1985 and she also obtained patta in her name. She decided to sell the property and hence, contacted A5 and A6. In the year 2017, she obtained the encumbrance certificate and it came to light that A2 had executed a settlement deed in favour of his brother A3 and in turn A3 had executed a power of attorney in favour of A1. According to the complaint, these accused persons have absolutely no right over the property. When the said Pushpavalli confronted A1 to cancel the power of attorney document, he refused to do so.



3. The further case of the prosecution is that A5 and A6 had suppressed the encumbrance that was created by A1 to A3 and they entered into an agreement to sell the property to one Veeraraghavan for a total consideration for 54 lakhs and in the course of the said transaction received an advance amount of Rs.15,00,000/-(Rupees Fifteen lakhs only). A5 and A6 did not take any steps to proceed further for sale of the property. Thereafter, one Sundaramoorthy came into the scene and a sale deed was executed in favour of Sundaramoorthy on 12.01.2018. Thereafter, the accused persons started creating problems. As a result, the wife of Sundaramoorthy gave a complaint to the first respondent and the FIR came to be registered in crime No.536 of 2018 for the offences under Sections 420, 465, 468, 471, 447, 506(1) read with 34 IPC. The investigation was taken up and the final report was filed before the Court below as against seven accused persons and the Court below took cognizance of the final report for the offences under Sections 420, 465, 468, 471, 447, 506(1) read with 34 IPC. The petitioners who are arrayed as A2 and A3 have filed the present quash petition.

4. Heard Mr.C.Arun Kumar, learned counsel appearing for the petitioners, Mr.A.Gopinath, learned Government Advocate appearing for



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the first respondent and Mr.K.P.Suresh Kumar, learned counsel appearing for the second respondent.

5. On carefully going through the final report, it is seen that A1 had cancelled the power of attorney that stood in his name and A2 cancelled the settlement deed executed in favour of A3. Thereafter, the second respondent had also mutated the revenue records in her name and the patta was granted in her name. The possession of the property was also handed over to the de-facto complainant. In the light of this development that took place, subsequently, no useful purpose will be served in proceeding further in this case.

6. A2 in this case was claiming adverse possession of the subject property and on that ground, he executed settlement deed in favour of A3. Therefore, the petitioners were claiming individual right over the property. Ultimately, they recognized the right of the second respondent and consequently, the settlement deed was also cancelled. A1 has also cancelled the power of attorney that was executed in his favour by A3.



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7. To prosecute this case any further, will be like flogging a dead horse.

8. In the light of the above discussions, the proceedings pending in C.C.No.1 of 2022 on the file of the Special Court for the Land Grabbing Cases, Egmore, Chennai is hereby quashed insofar as the petitioners are concerned.

Accordingly, this Criminal Original petition stands allowed.
Connected miscellaneous petitions are closed.

13.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

mp

To

1.The Special Court for the Land Grabbing Cases,
Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch, Team – 15,
Vepery, Chennai – 600 007.

3.The Public Prosecutor,
Madras High Court.



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N.ANAND VENKATESH, J

mp

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