



WEB COPY



Crl.OP.No.22517 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.22517 of 2023

and

Crl.MP.Nos.15709 and 15711 of 2023

1. Ameena Bagam
2. Samsudeen

... Petitioners

Vs.

State Rep by

1. The Inspector of Police,
District Crime Branch,
Villupuram District.
Cr.No.3 of 2021

2. Krishnan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records and quash the proceedings in C.C.No.10 of 2023 in the Court of Judicial Magistrate-1, Villupuram.

For Petitioners	: Mr.R.John Sathyan Senior Counsel
For Respondent	: Mr.S.Udaya Kumar Government Advocate (Crl.Side) for R1

ORDER



Crl.OP.No.22517 of 2023

WEB COPY The petition is to quash the final report in C.C.No.10 of 2023 by the learned Judicial Magistrate-I, Villupuram.

2. The brief facts involved in this case are that the house property in Mano Garden, Villupuram, was purchased by one Krishnan on 02.04.2016 for a sum of Rs.11,60,800/- and the said house was pledged to REPCO Bank, Villupuram. Later, the said Krishnan sold it to one Ameena Bagam and Samsudeen for a sum of Rs.23,50,000/- from the same consideration. The loan in REPCO Bank was discharged. After purchasing the property, Ameena Bagam sought loan from Indian Bank to put up construction and therefore sought for issuance of patta. Thereafter, she came to know the fact that Poromboke Water Canal is passing through the land and therefore, patta cannot be issued and this was brought to the notice of the said Krishnan, he in turn, informed his vendor namely Latha Kasthuri Krishnan. Later Ameena Bagam and Krishnan have decided to reconvey the property back on payment of Rs.23,00,000/-. It is stated that Ameena Bagam also received Rs.8,00,000/- after agreeing to re-convey the property. While so, when Ameena Bagam was making alteration in the building and he was



Crl.OP.No.22517 of 2023

questioned by Krishnan, In this connection, wordy quarrel has erupted leading to registration of complaint for the offences under Sections 406, 420 and 294(b) of IPC at the instance of Krishnan.

3. The learned Senior Counsel appearing for the accused Ameena Bagam has submitted that the final report filed on completion of investigation does not carry the necessary ingredients to attract the offences under Sections 406 and 420 and 294 (b) of IPC.

4. It is contended that there was no intention of cheating or breach of trust and also contended that the very averment of receiving Rs.8,00,000/- on promise to re-convey the property itself is doubtful. However, on reading of 161Cr.P.C Statement of the witness and the fact that receipt of Rs.8,00,000/- in cash been recorded in an agreement in the presence of witnesses in the Stamp Paper prima facie indicates that the petitioner had made some alteration in the building which she has promised to re-convey and also received Rs.8,00,000/- as part of consideration, where the said agreement is executed by for consideration and consent the matter for trial.

5. The denial of receiving Rs.8,00,000/- from the defacto



Crl.OP.No.22517 of 2023

complainant which is contrary to the content found in the agreement and the validity of the reconveyance agreement to be decided in the course of the trial whether offence under Section 406 and 428 IPC made out or not to be decided. Hence, petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Vv

09.10.2023

To

- 1.The Judicial Magistrate-1,
Villupuram.
2. The Inspector of Police,
District Crime Branch,
Villupuram District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.



WEB COPY



Crl.OP.No.22517 of 2023

Vv

Crl.OP.No.22517 of 2023

09.10.2023