



Crl.O.P.No.17963, 25269 and 26023 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.17963, 25269 and 26023 of 2017
and Crl.M.P.Nos.10970, 10971, 14534, 14535, 14999 and 15000 of 2017

Crl.O.P.No.17963 of 2017:-

1.R.Baskaran
2.Rajini Baskaran
3.Moorthy ... Petitioners

-Vs-

A.S.Sreenandhini ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records pertaining to the complaint in C.C.No.260 of 2017 on the file of the Judicial Magistrate No.III, Coimbatore and quash the same.

For Petitioners : Mr.A.Nagarajan

For Respondent : Mr.P.Sidharthan

Crl.O.P.No.25269 of 2017:-

1.ARK.Shanmugam
2.S.Sri Kumar
3.Shreedhevi
4.A.S.Sree Nandhini ... Petitioners

-Vs-

R.Baskaran ... Respondent



CrI.O.P.No.17963, 25269 and 26023 of 2017

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the C.C.No.256 of 2017 on the file of the Judicial Magistrate-III, Coimbatore and quash the same.

For Petitioners : Mr.A.Nagarajan

For Respondent : Mr.P.Sidharthan

CrI.O.P.No.26023 of 2017:-

D.Sathish Kumar ... Petitioner

-Vs-

A.S.Sreenandhini ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C to call for the entire records pertaining to C.C.No.260 of 2017 on the file of the Judicial Magistrate's Court No.III, Coimbatore and quash the same.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.P.Sidharthan

COMMON ORDER

The CrI.O.P.Nos.17963 and 26023 of 2017 have been filed to quash the private complaint filed by the respondent in C.C.No.260 of 2017 in which the petitioners in CrI.O.P.No.17963 of 2017 are arrayed as A1 to A3, and the petitioner in CrI.O.P.No.26023 of 2017 is arrayed as A4.



2. The Crl.O.P.No.25269 of 2017 has been filed to quash the complaint filed by the respondent in C.C.No.256 of 2017, in which the petitioners are arrayed as A1 to A4.

3. The case of the respondent in Crl.O.P.Nos.17963 and 26023 of 2017 is that the respondent owned a land ad-measuring 1842 sq.ft comprised in T.S.Nos.598/1&2, 597/1&2 at Krishnarayanapuram Village, Coimbatore. She had entered into an agreement for sale in respect of subject property in favour of the first accused for the total sale consideration of Rs.80 lakhs. She also received a sum of Rs.10 lakhs as an advance. After execution of an agreement for sale, the first accused measured the land. There was shortage in the total extent and as such, the first accused was ready and willing to pay proportionately as per the available land. However, it was not agreed by the respondent in Crl.O.P.Nos.17963 and 26023 of 2017 and also refused to return the amount. Therefore, the accused compelled and threatened the respondent to register the sale deed entered in his favour. Hence the complaint.

4. After recording the statements, the trial Court had taken cognizance and summons were issued to the petitioners in Crl.O.P.Nos.17963 and 26023 of 2017. Admittedly, the first accused alone entered into an



agreement for sale with the respondent in Crl.O.P.Nos.17963 and 26023 of 2017. The second accused is none other than the wife of the first accused. The third accused is none other than the brother of the first accused. The petitioner in Crl.O.P.No.26023 of 2017 is none other than the Sub Inspector of Town Survey. He has nothing to do with the allegations as alleged by the respondent in Crl.O.P.Nos.17963 and 26023 of 2017.

5. Pending the said complaint, the first petitioner in Crl.O.P.No.17963 of 2017 also filed another private complaint and the same has been taken cognizance in C.C.No.256 of 2017 on the file of the Judicial Magistrate No.III, Coimbatore, alleging that after receipt of sum of Rs.10 lakhs as an advance for the total sale consideration, the respondent in Crl.O.P.Nos.17963 and 26023 of 2017 failed to execute any sale deed.

6. The agreement holder has to approach the Civil Court for appropriate relief for execution of sale deed as per the agreement, instead the agreement holder filed a private complaint. Therefore, no offence is made out for the offences under Sections 120(b) and 420 of IPC. Accordingly, C.C.No.256 of 2017 on the file of the Judicial Magistrate No.III, Coimbatore is hereby quashed.



CrI.O.P.No.17963, 25269 and 26023 of 2017

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7. Insofar as C.C.No.260 of 2017 on the file of the learned Judicial Magistrate No.III, Coimbatore is concerned, there is no ingredient to attract the offences under Sections 120(b), 420 and 468 of the IPC. That apart, the petitioners in CrI.O.P.Nos.17963 and 26023 of 2017 also filed a suit for bare injunction in respect of the very same property as against the owner of the property and it is also pending.

8. In view of the above, the proceedings in C.C.No.260 of 2017 on the file of the Judicial Magistrate No.III, Coimbatore, cannot be sustained and is liable to be quashed. Accordingly, the proceedings in C.C.No.260 of 2017 on the file of the Judicial Magistrate No.III, Coimbatore, is hereby quashed.

9. In the result, these Criminal Original Petitions are allowed. Consequently, connected Miscellaneous petitions are closed.

06.10.2023
(1/2)

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
rjr/mn



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Crl.O.P.No.17963, 25269 and 26023 of 2017

G.K.ILANTHIRAIYAN, J.

mn

To

1.The Judicial Magistrate No.III, Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.Nos.17963, 25269 and 26023 of 2017
and Crl.M.P.Nos.10970, 10971, 14534,
14535, 14999 and 15000 of 2017

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