



Crl.O.P(MD).No.4205 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 12.07.2023

Pronounced on : 21.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.4205 of 2020

Pandian

...Petitioner

Vs

1.The Sub Inspector of Police
Uthamapalayam Police Station,
Theni District.

2. Mahalakshmi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records relating to the impugned First Information Report in Crime No.647 of 2019 on the file of the first respondent and to quash the same.

For Petitioner : Mr.M.S.Jeyakarthik

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R-2 : No appearance



ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.647 of 2019 on the file of the first respondent.

2. According to the petitioner, the alleged case of prosecution is that the land in S.No.965/1 situated in Oothukadu, Kombai Road, Kumbam has been in possession and enjoyment of the defacto complainant since 2012. In respect of the above said land civil suit is pending in O.S. No.54 of 2014 on the file of the Sub Court, Uthmapalayam. Thereafter on 06.12.2019 when the defacto complainant was in the above place the accused developed quarrel with the defacto complainant by abusing her in filthy language and he also criminally intimidated her. Based on the complaint given by the second respondent/defacto complainant a case in Crime No.647 of 2019 has been registered for the offences under Sections 447, 294(b), 509 and 506(i) of IPC as against the accused. The said case is false one and no offences are made out as per the contents of the First Information Report.

3. The learned counsel for the petitioner would submit that based on the complaint given by the defacto complainant a false case has been



registered against him and no such offence has been committed by the petitioner as alleged by the defacto complainant. The first respondent without considering the veracity of the complaint, registered the impugned First Information Report. Further originally the land in S.No. 965/1 situated in Oothukadu belongs to the petitioner and he has purchased the same by way of registered sale deed dated 22.04.2023 for valuable sale consideration amount from one P.Alagathevar. In these circumstances the second respondent is claiming the above property stating that she entered into unregistered sale agreement dated 11.09.2012 with P.Alagathevar in respect of the above mentioned property and the said P. Alagathevar failed to execute sale deed as per the sale agreement and he sold the above property to the petitioner vide registered sale deed dated 22.04.2013. Thereafter in order to harass the petitioner, the second respondent filed a suit in O.S.No.54 of 2014 before the Sub Court, Uthamapalayam seeking the relief of specific performance and declaration and now the same is pending. Further the defacto complainant lodged compliant on 09.12.2019 alleging that the petitioner has abused her in filthy language, caused criminal intimidation and also attacked her, but the alleged occurrence had not taken place as alleged in the complaint. Only to harass the petitioner this First Information Report was registered and hence the First Information Report is liable to be quashed.



4. Though name printed in the cause list none appeared on behalf of the second respondent.

5. The learned Additional Public Prosecutor would submit that based on the complaint given by the second respondent/defacto complainant the first respondent has registered the First Information Report in Crime No.647 of 2019 has been registered for the offences under Sections 447, 294(b),509 and 506(i) of IPC and the investigation is still pending and strongly opposed to allow this petition.

6. Heard both sides and perused the materials available on record.

7. On perusal of the record, it is observed that there existed civil dispute between the parties. According to the petitioner he had purchased the property on 22.04.2023 and the second respondent has filed a suit for specific performance alleging that the vendor of the plaintiff namely P.Alagathevar executed agreement dated 11.09.2023 in favour of the second respondent and failed to execute sale deed. In the meantime she sold the property to this petitioner and thereby she filed a suit. Thereafter the second respondent has lodged a complaint as against this petitioner. Even according to the complaint the petitioner



along with his henchmen went to the place of occurrence, stopped the work and abused her in filthy language. Even according to the contents of the First Information Report no offence is made out and the complaint is not a specific and a vague one. Already civil suit is pending between the parties which is also admitted by both the parties. Already two complaints were given as against the petitioner by one Nagammal who is none other than the mother-in-law of the second respondent herein. Now this complaint is preferred by the second respondent alleging that the petitioner and other trespassed into the property of the defacto complainant, abused her and also criminally intimidated her. No offence has been made out as against the accused herein to constitute the offences under Sections 447, 294(b), 509 and 506(i) of IPC. Further the averments made in the complaint are not specific and are vague. As per petitioner he purchased the property in the year 2013 itself and the mother-in-law of the defacto complainant had filed suit for specific performance and the same is pending. So on the date of occurrence the petitioner was the owner of the property. Till the specific performance is granted and convey the title to the agreement holder, the ownership is with the petitioner. Hence this Court is of the opinion that no useful purpose would be served by making the petitioner to undergo the ordeal of the trial and the First Information Report is liable to be quashed.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the First Information Report in Crime No.647 of 2019, on the file of the first respondent police, is hereby quashed

21.07.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To

- 1.The Sub Inspector of Police
Uthamapalayam Police Station,
Theni District.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai



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P. DHANABAL,J.

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