



Crl.O.P(MD).No.11208 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.11208 of 2020

and

Crl.M.P.(MD)No.5105 of 2020

S.Ravichandran

...Petitioner

Vs

1.The State Rep. by,
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.146 of 2018)

2.Poochendu

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to the case in C.C.No.24 of 2019 pending on the file of the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District and quash the same as against the petitioners.

For Petitioners	: Mr.R.Anand
For Respondents 1 and 2	: Mr.M.Sakthi Kumar
	Government Advocate (Crl. Side)
For 2 nd Respondent	: Mr.N.Prasalashan

ORDER

This petition has been filed to quash the FIR in Crime No.24 of 2019



Crl.O.P(MD).No.11208 of 2020

dated 22.04.2016 on the file of the learned Judicial Magistrate, Thiruvadanai,
Ramanathapuram District.

2.According to the petitioner, based on the complaint given by the second respondent, FIR has been registered in Crime No.146 of 2018 for the offences under Sections 420, 468, 471 and 506(i) of IPC.

3.The prosecution case is that the second respondent gave a complaint that the property in Survey No.84/9 an extend of 98 cents situated at Kadambur village is the petitioner's family property and she entitled the property through her husband. While so, A1 who is none other than the son of the second respondent, dishonestly obtained a legal heir certificate as if he is the only legal heir of the father and based on the legal heir certificate, he sold the property to the petitioner on 18.09.2018. This petitioner conspired with A1 and purchased the property that is the main allegation against the petitioner. In fact the petitioner has purchased the property for valuable consideration and he is the bonafide purchaser of the property. Therefore, the offence under Sections 420, 468, 471, 506(i) of IPC r/w. 34 of IPC would not attract. Therefore, the pending proceedings in C.C.No.24 of 2019 is abuse of process of law and the same is liable to be quashed.



CrI.O.P(MD).No.11208 of 2020

4.No counter was filed on the side of the respondents.

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5.The learned counsel appearing for the petitioner would argue that the petitioner is the bonafide purchaser for valuable consideration and based on the documents produced by A1, believing the words of A1, he purchased the property for valuable consideration and thereafter, he came to know about the illegal activities of A1 and he cancelled the sale deed and now the petitioner is no way connect with the property. He has no intention to cheat anybody. He has not executed the document and the petitioner is only purchaser and thereafter, he reconveyed the property to the vendor. Therefore, no any offence committed by the petitioner. Without conducting proper investigation, the first respondent filed charge sheet and thereby, the same was taken on file in C.C.No.24 of 2019 and the same is liable to be quashed.

6.The learned counsel appearing for the second respondent would contend that originally the property belongs to the second respondent. A1 is the son of the second respondent. After the demise of the husband of the second respondent, A1 obtained legal heir certificate by suppressing the second respondent and sold the property to the petitioner. The petitioner also conspired with A1. Thereby, they purchased the property. After elaborate investigation, the first respondent filed final report. Based on the final report,



Crl.O.P(MD).No.11208 of 2020

the learned Judicial Magistrate has taken cognizance and the same was taken on file in C.C.No.24 of 2019. At this stage, *prima facie* materials available as against the petitioner, the petitioner has to face the trial and at this stage, this petition is liable to be dismissed.

7.The learned Government Advocate appearing for the first respondent contended that based on the complaint given by the second respondent, the first respondent registered a case in Crime No.146 of 2018 for the offences under Sections 420, 468, 471 and 506(i) of IPC. Thereafter, investigated the case and filed final report. As per final report, *prima facie* materials available to proceed with the case against the petitioner. Thereby, the petition is liable to be dismissed.

8.This Court has heard both sides and perused the materials available on records.

9.On perusal of records, it is seen that it is admitted fact that A1 is none other than the son of the second respondent. The property belonged to the husband of the second respondent. After the demise of the husband of the second respondent, son of the second respondent, A1 obtained legal heir certificate, without including the name of the second respondent. By



Crl.O.P(MD).No.11208 of 2020

suppressing the fact, he obtained legal heir certificate and these allegations are against A1. As far as this petitioner is concerned, the allegation is that he conspired with A1 and purchased the property from A1.

10. According to the petitioner, after verifying all the records and legal heir certificate, he purchased the property for valuable consideration and he is bonafide purchaser. A1 only obtained legal heir certificate by suppressing the name of the second respondent and this petitioner is no way connected with the aforesaid offence. Admittedly the petitioner has not executed any document. He only purchased the property for valuable consideration. This petitioner has no intention to cheat anybody. Hence, the offence under Sections 420, 468, 471, 506(i) of IPC r/w. 34 of IPC would not attract.

11. The learned counsel appearing for the petitioner brought to the knowledge of this Court that after knowing that A1 has suppressed the name of second respondent as one of the legal heir of the deceased, father of the A1 and he obtained legal heir certificate and sold the property to the petitioner, he cancelled the aforesaid sale deed obtained in his favour. Therefore, the petitioner has no intention to cheat anybody and no offences made out as against the petitioner.



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CrI.O.P(MD).No.11208 of 2020

P.DHANABAL, J.

Mrn

12.Further the learned counsel appearing for the second respondent also represented that still possession is with the petitioner. The learned counsel appearing for the petitioner denied the same and already he cancelled the sale deed and he is not in possession of the property.

13.Recording the aforesaid submission and as discussed supra, this Criminal Original Petition is allowed and the charge sheet in C.C.No.24 of 2019 as against the petitioner is quashed. Consequently, connected miscellaneous petition is closed.

20.09.2023

NCC : Yes/No

Internet : Yes/No

Index : Yes/No

Mrn

To

1.The Judicial Magistrate, Thiruvadanai, Ramanathapuram District.

2.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P(MD).No.11208 of 2020