



Crl.O.P.(MD) No.8047 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.8047 of 2020

and

Crl.O.P(MD)Nos.3822 & 3823 of 2020

- 1.Shanthi
- 2.Mayil Ramachandran
- 3.Boopal Azhagan

...Petitioners/A1, A3 and A4

Vs.

- 1.The State rep. by
The Inspector of Police,
Land Grabbing Special Wing,
Tirunelveli.
(Crime No.11 of 2014)

... 1st Respondent / Complainant

- 2.Sangeetha

... 2nd Respondent/Defacto complaint

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.1052 of 2019 on the file of the Special Court for Land Grabbing Cases, Tirunelveli and quash the same against the petitioners.



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For Petitioners : Mr.M.Ramu

For Respondents : Mr.R.Meenakshi Sundaram
Addl. Public Prosecutor (for R1)

Mrs.M.Benazir Begum (for R2)

ORDER

This Criminal Original Petition is filed seeking to quash the charge sheet in C.C.No.1052 of 2019 on the file of the Special Court for Land Grabbing Cases, Tirunelveli, for the offences under Sections 210, 420, 468, 471 r/w 120(b) of IPC.

2.The allegation in the charge sheet is that the first petitioner/A1 sold property in favour of one Anna Regiroy on 16.11.2009. The third petitioner/A4, who is the husband of the first petitioner, and the second petitioner/A3, who is the son of the first petitioner, signed as witnesses in the said document. The petitioners sought three months time to vacate the property, however, they did not vacate the property for more than two years. Hence, the said Anna Regiroy filed a suit in O.S.No.95 of 2012 on the file of the Sub-Court, Valliyoor. The said Anna Regiroy, thereafter,

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had sold the property to the defacto complainant on 25.10.2012. It is further alleged that the first petitioner even before she sold the property to the said Anna Regiroy, had sold it to her uncle, who is the second accused, pursuant to the decree passed by the Civil Court in O.S.No.411 of 2012 in a suit for specific performance. The allegation is that the first petitioner/A1 created a sham sale agreement and obtained a collusive decree and executed sale deed in favour of the second accused on 14.05.2013 by Doc.No.1644/2013. Further, the second accused, who purchased the property from the first petitioner/A1, had executed another sale deed in favour of the second petitioner/A3, who is the none other than the son of the first petitioner. The accused, therefore, were charged for the offence under Sections 420, 468, 471 r/w 120(b) IPC.

3.The learned counsel for the petitioners submitted that the none of the documents had been forged. The allegation of cheating had not been made out. The first petitioner had to obey the decree passed by the civil Court in O.S.No.411 of 2012 in a suit for specific performance of the agreement dated 12.09.2009. The entire complaint only discloses the



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civil dispute. In fact, the defacto complainant has already filed a suit in O.S.No.18 of 2014 on the file of the Sub-Court, Valliyoor, to declare the decree in O.S.No.411 of 2012 as null and void. The entire complaint is nothing but a replica of the plaint in the said suit and hence, prayed for quashing of the charge sheet.

4.The learned Additional Public Prosecutor submitted that in the instant case, allegations of cheating are clearly made out. The first petitioner had suppressed that there was an earlier agreement between her and the second accused and sold the property to one Anna Regiroy. The accused Nos.1 and 2 are close relatives and hence, only in the trial, to determine whether the first petitioner had created a false agreement and obtained a collusive decree. The learned Additional Public Prosecutor further submitted that 4 witnesses, out of the 10 witnesses cited by the prosecution, have been examined, two witnesses are no more and only 4 more witnesses have to be examined.



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5.In view of the fact that the trial is at the advance stage and nearing completion, without expressing any views on the contentions of the learned counsel for the petitioners and the learned Additional Public Prosecutor, this Court is of the view that it would not be in the interest of justice to quash the charge sheet at this belated stage. Hence, the Trial Court is directed expedite the examination of the remaining witnesses and conclude the trial within a period of two months from the date of receipt of a copy of this order. The appearance of the petitioners before the Trial Court is dispensed with unless the Trial Court deems their presence necessary for the progress of the trial.

6.With the above directions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

03.02.2023

skn
NCC:Yes/No
Internet:Yes/No
Index:Yes/No



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To

- 1.The Special Court for Land Grabbing Cases,
Tirunelveli.
- 2.The Inspector of Police,
Land Grabbing Special Wing,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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