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Crl.O.P.No.241 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.241 of 2024
and
Crl.M.P.Nos.150 & 151 of 2024

Dharma Nadar

... Petitioner/A2

Vs.

1.The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
O/o the Commissioner of Police,
Coimbatore Cirty,
Coimbatore 641 018.
(Crime No.38 of 2015)

... 1st Respondent / Complainant

2.Dr. K. Vijaya Karthikeyan, I.A.S.,
Commissioner of Coimbatore Corporation,
Coimbatore.

... 2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
prayed to call for records and quash the Final Report in C.C.No.2253 of 2023
on the file of the learned Judicial Magistrate – VII, Coimbatore.

For Petitioner : Mr. A.E.Ravichandran

For R1 : Mr. R. Vinothraja
Government Advocate (Crl. Side)



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For R2 : No appearance.

ORDER

This Criminal Original Petition has been filed taking advantage of Section 482 Cr.P.C., seeking interference and to quash C.C.No.2253 of 2023 now pending before the Judicial Magistrate - VII, Coimbatore.

2.Originally, Crime No.38 of 2015 had been registered by the 1st respondent / the Assistant Commissioner of Police, Anti Land Grabbing Special Cell, Coimbatore, for the offence punishable under Sections, 467, 468, 471, 419 and 420 of IPC. After investigation, the 1st respondent had also filed a final report seeking charges to be framed under Sections 467, 468, 471, 420 and 120-B IPC against A1 – Selvaraj, A2 / petitioner and A3 – Gopalan. It is contended that A3 had been subsequently added as an accused. He had made sub-division in the revenue records.

3.The entire issue surrounds the land at S.F.No.280, Ganapathy Village, Coimbatore North Taluk, Coimbatore, which allegedly originally belonged to the 1st accused. It is stated that A1 traced his title through a Will



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dated 19.12.1988 executed in his favour. The executants of the will, traced their title through a partition deed dated 12.09.1910 executed between their two husbands. It is stated that after the will came into force, A1 had entered into a registered Agreement of Sale dated 23.09.2003 in favour of the petitioner agreeing to sell the aforementioned property for a total consideration of Rs.24/- lakhs. A further undertaking letter also executed on 27.04.2004 for a sum of Rs.3/- lakhs again undertaking to convey the land.

4.The 2nd accused / petitioner / Dharma Nadar filed O.S.No.588 of 2004 before the Sub Court, Coimbatore seeking specific performance of Agreement of Sale and also of the undertaking. The Suit was decreed, but not after due trial but on a memo filed by A1 / Selvaraj submitting to decree. Thereafter, the petitioner had filed Execution Petition to execute and register the Sale Deed and it was actually executed by the learned II Additional Sub Judge, Coimbatore on 13.07.2006 and the Sale Deed was registered on 13.07.2006 as Doc. No.3828 of 2006 in the office of the Sub-Registrar, Ganapathy.



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5.The petitioner then executed a Power of Attorney in favour of three separate individuals namely, Ravindran, Keerthi and M.Dhanapal. The said Power of Attorney was dated 30.07.2007 giving them the right to deal with the property. Later, an objection was raised by the Coimbatore Corporation claiming that the said property, was vested with them. They were actually in possession. It is stated that on coming to know of the same, the petitioner / senior citizen of quite advanced age had immediately taken steps to cancel the Power of Attorney granted to Ravindran, Keerthi and M. Dhanapal by a further document dated 11.02.2015. But however, on 27.05.2015, the Coimbatore Corporation had given a complaint before the 1st respondent alleging offences of land grabbing as against the petitioner herein and also against the 1st accused / Selvaraj from whom the petitioner traced his individual title. As stated, final report had also been filed and the present petition has been filed to quash the further proceedings.

6.The matter had been oscillating before this Court, but however, the learned counsel for the petitioner came forward to state that the petitioner had realized that it would only be in the interest of all concerned were he to execute a document accepting to the title of the Coimbatore Corporation.



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Accordingly, the matter was again kept pending, since it was expressed that cancellation of Sale Deed could be executed, but that had not fructified and finally, the petitioner herein had executed a Gift Deed in favour of the Coimbatore Corporation. By virtue of such said Gift Deed, the title is now confirmed in favour of the Coimbatore Corporation and possession is also vested with the Coimbatore Corporation.

7.The learned Government Advocate (Criminal Side) also forwarded a report from the Assistant Commissioner, North Zone, Coimbatore Corporation dated 12.03.2024, wherein, it had been stated that the lands in F.S.No.126 measuring 11.5 cents has been taken control of by Coimbatore Corporation and stands vested with Coimbatore Corporation. It had also been stated that Coimbatore Corporation is in possession and would also now pay necessary taxes to the statutory authorities.

8.In view of this particular development, it has become otiose to further examine the allegations under Sections 467, 468, 471, 420, 120-B of IPC. Among the other above mentioned provisions, Section 420 IPC is compoundable in nature. The other offences will necessarily have to be



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examined, but since there is no issue as on date, particularly about grabbing of land or taking possession of the land, which is now vested with the Coimbatore Corporation and also taking into consideration the age of the petitioner herein, who is of quite advanced age and a senior citizen and, keeping up with the dignity of the age, he had also come forward to execute necessary document accepting to the title and possession of the Coimbatore Corporation, I hold that keeping C.C.No.2253 of 2023 still pending on the file of the learned Judicial Magistrate – VII, Coimbatore, would only be an exercise in futility and a harassment and would be of no effective use.

9.In view of this change in circumstance, the further proceedings in C.C.No.2253 of 2023, is quashed. The accused stands discharge of all offences alleged against him. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petitions are closed.

13.03.2024

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Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No



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To,

- 1.The Judicial Magistrate – VII, Coimbatore.
- 2.The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
O/o the Commissioner of Police,
Coimbatore City, Coimbatore 641 018.
- 3.The Commissioner of Coimbatore Corporation,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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