



Crl.O.P.No.406 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.406 of 2023
and Crl.M.P.No.189 of 2023

1.Ayyathurai
2.Ramesh

... Petitioners

Vs.

1.The State represented by,
Inspector of Police,
Anti-land Grabbing Special Cell,
Ariyalur District.

2.Gandhimathi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the FIR in Cr.No.7 of 2022 on the file of the District Crime Branch (Anti-land Grabbing Special Cell), Ariyalur and quash the same.

For Petitioner : Mr.V.Illanchezian
For RR1 : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

This petition has been filed to quash the FIR in Cr.No.7/2022 pending investigation on the file of the 1st respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the 1st respondent.

3. The 2nd respondent has been served with notice and the name has also been printed in the causelist. There is no representation either in person or through counsel.

4. The case of the prosecution is that her maternal grandfather Rasupillai was married and he is having the daughter named Sarasammal. The said Sarasammal was married to one Ramaswamy and the 2nd respondent is the daughter through that marriage. The said Sarasammal died on 26.08.1981 and Rasupillai died on 27.09.1991. The said Rasupillai was owning a land in S.F.Nos.195/6 and 207/4. According to the 2nd respondent, she was absolutely entitled to the property. However, one Thangavel had managed to include his name in



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the patta and he had nothing to do with the property. Thereafter, Ayyathurai, Murugesan and Natarajan created a Partition Deed on 27.01.2004. Thereafter, the said Ayyathurai executed a Settlement Deed in favour of his sons on 11.06.2020. In this Settlement Deed, the 2nd respondent claimed that her property was also included with an ulterior motive. When this was questioned by the 2nd respondent, she was abused and was threatened. Hence, a complaint came to be filed before the 1st respondent and an FIR was registered in Cr.No.7/2022 against five named accused persons. The petitioners were arrayed as A1 and A4. The FIR was registered for offence under Sections 294(b), 420, 464, 467, 468, 471 and 120(b) of IPC.

5. It is brought to the notice of this Court that A2, A3 and A5 have died even before the FIR was registered against them. Therefore, the investigation is now pending only as against the petitioners (A1 and A4).

6. In the instant case, the very fact that the FIR was registered against three died persons shows that the entire complaint was given in



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haste and that apart, the defacto complainant had also filed a complaint before the District Registrar for cancelling the Partition Deed and also the Settlement Deed. After enquiry, the District Registrar dismissed the petition filed by the 2nd respondent by an order dated 14.12.2022. This further proves the fact that there is no cheating or fraud or impersonation in this case.

7. The alleged partition took place in the year 2004 and the alleged Settlement Deed was executed in the year 2020 and the complaint itself has been given only in the year 2022. Therefore, this is a clear case where there is *interse* civil dispute between the parties that has been given a criminal colour. The 1st petitioner is aged about 90 years and the 2nd petitioner is aged about 50 years and in a case of this nature, it is not necessary for them to undergo a criminal prosecution.

8. Facts of the present case will squarely fall within the guidelines of the Apex Court in *Abhishek vs. State of Madhya Pradesh* reported in **2023 SCC Online SC 1083**. This is a case where a pure and simple civil dispute has been given a criminal colour.



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9. In the light of the above discussion, the FIR in Cr.No.7 of 2022 pending investigation on the file of the District Crime Branch (Anti Land Grabbing Special Cell), Ariyalur, is hereby quashed. This Criminal Original Petition is allowed accordingly. Consequently, connected miscellaneous petition is also closed.

06.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Inspector of Police,
Anti-land Grabbing Special Cell,
Ariyalur District.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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