



WEB COPY



Crl.O.P.No.531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.531 of 2023
& Crl.M.P.Nos.243 & 244 of 2023

Palace Co-operative Housing Society Limited,
Represented by its President, Mr.Alagu Nambi,
29, Papanasam Sivan Salai,
Mylapore, Chennai – 600 004.

... Petitioner/Accused No.6

/versus/

M.Sakunthala.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records culminating in C.C.No.752 of 2022 on the file of the Hon'ble Judicial Magistrate No.1, Chengalpet and quash the same.

For Petitioner : No appearance

For Respondent : No appearance



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ORDER

A private complaint under Section 200 of Cr.P.C taken on file by the Judicial Magistrate-I, Chengalpet in C.C.No.752 of 2022 is challenged on the ground that the petitioner is a bonafide purchaser for value based on the legal heirs certificate produced by the vendor.

2. The petitioner has no knowledge about the fraud committed in obtaining the legal heirs certificate. The complaint is filed including the petitioner herein who is a bonafide purchasers only to embarrass him and harass him with intention to extract money.

3. Reading of the private complaint indicates that the property of Ponnusamy who died intestate leaving behind four first class heirs been sold by obtaining a fake legal heirs certificate as if, one Subramani along is the legal heirs of said Ponnusamy. Based on that, the Legal heirs of Subramani who are accused 1 to 5 had executed the sale deed to A6, who is the petitioner herein.



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4. This Court, on perusing the complaint is of the view that the matter is for trial to find out whether the purchase of property by A6 based on the fake legal heirs certificate is bonafide or with knowledge. Unless and until, the petitioner undergo the trial, the said fact cannot be tested. Hence, the petition to quash the private complaint under Section 200 of Cr.P.C stands dismissed.

5. As a result, this Criminal Original Petition is dismissed.
Consequently, connected Miscellaneous Petition is closed.

06.08.2024

Index : Yes/No
Neutral Citation : Yes/No
bsm
To
1. The Judicial Magistrate No.1, Chengalpet.



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Dr.G.JAYACHANDRAN,J.

bsm

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