



Crl.OP.No.1541 of 2024

N.ANAND VENKATESH., J.

This Court heard the learned counsel for the petitioner, learned Government Advocate (Crl.Side) appearing on behalf of the 1st respondent and also the learned counsel appearing on behalf of the 2nd respondent.

2.The bone of contention in the present case is with regard to the sale deed executed in favour of the petitioner dated 16.5.2012 registered as Document No.1668 of 2012. The petitioner claims to be a bonafide purchaser. The petitioner has also filed a suit in O.S.No.7030 of 2015, before the XIII City Civil Court, Chennai and the same is pending. The petitioner has sought for the relief of declaration that sale deed dated 16.7.1986 executed in favour of the 2nd respondent as null and void and for the relief of permanent injunction.

3.During the hearing, it was brought to the notice of the learned counsel for the petitioner that no title will pass on to the petitioner in view of the earlier sale deed that has already been executed in favour of the 2nd respondent in the year 1986 itself. Therefore, in order to bring to an end the criminal prosecution, it will be just and proper if the petitioner cancels the sale deed executed in his favour.

4.The learned counsel for the petitioner submitted that he will advise the petitioner to take immediate steps to cancell the sale deed executed in his favour on 16.5.2012. The learned counsel further submitted that in view of the steps that are



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going to be taken for the cancellation of the sale deed, the suit in O.S.No.7030 of 2015, pending on the file of XIII City Civil Court, Chennai, will also be withdrawn.

5.In the light of the specific stand taken by the petitioner, no useful purpose will be served in continuing the criminal prosecution. Ultimately, the 2nd respondent must get back the tittle over the property and the same can be achieved if the sale deed executed in favour of the petitioner is cancelled. The learned counsel for the petitioner submitted that A1, A2 and A3 had executed a power of attorney in favour of A4 and A4 had executed the sale deed in favour of the petitioner in his capacity as the agent. Now A1, A2 and A4 have died. The only other person, who is left out is A3. In view of the same, it will suffice if the petitioner unilaterally executes a document cancelling the sale deed dated 16.5.2012 registered as Document No.1668 of 2012 and this document shall be entertained by the concerned Sub Registrar and it shall be registered.

6.Post this case under the caption 'for reporting compliance' on 25.3.2024.

11.03.2024

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