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CrI.O.P.No.1541 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 27.03.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CrI.O.P.No.1541 of 2023**

**And**

**CrI.M.P.No.882 of 2023**

Siddarth Galada

... Petitioner

Vs.

1.State rep. by  
Sub Inspector of Police  
CCB-I Police Station,  
Chennai.

2.S.Rekchand

... Respondents

**Prayer:**

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.145 of 2022, pending on the file of the Hon'ble Metropolitan Magistrate Court for Trial of land Grabbing Cases – II, Allikulam and to quash the charges levelled against the petitioner/ Accused 5.

For Petitioner : M/s.M.Velmurugan  
For Respondents : Mr.A.Gopinath for R1  
Government Advocate (CrI. Side)  
Ms.M.Akila for R2

**O R D E R**

The criminal original petition has been filed to quash the



Crl.O.P.No.1541 of 2023

proceedings in C.C.No.145 of 2022, on the file of the Metropolitan Magistrate Court for Trial of land Grabbing Cases – II, Allikulam.

2. When the matter came up for hearing on 11.03.2024, this Court passed the following order:

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



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CrI.O.P.No.1541 of 2023

*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 2<sup>nd</sup> 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 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 2<sup>nd</sup> 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*



CrI.O.P.No.1541 of 2023

*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."*

3.Pursuant to the above order, the petitioner (A5) has cancelled the sale deed through deed of cancellation dated 22.03.2024. It was registered on the file of Sub Registrar, Kodambakkam. The cancellation deed was also produced before this Court. The petitioner was also present before this Court in person.

4.The learned counsel for the petitioner submitted that the suit filed by the petitioner in O.S.No.7030 of 2015 which is pending before the XIII City Civil Court, Chennai is posted for hearing on 16.04.2024



CrI.O.P.No.1541 of 2023

and that the petitioner will take immediate steps to advance the hearing and to withdraw the suit. The said submission is recorded.

5.In the light of the above development, any further continuation of the criminal proceedings as against the petitioner (A5) will lead to abuse of process of law and therefore, this Court is inclined to quash the proceedings in so far as the petitioner is concerned.

6.In the light of the above discussion, the proceedings in C.C.No.145 of 2022, on the file of the Metropolitan Magistrate Court for Trial of land Grabbing Cases – II, Allikulam is hereby quashed in so far as the petitioner (A5) is concerned. The Court below is directed to proceed further with the case in so far as the other accused person is concerned and complete the proceedings within a period of three months from the date of receipt of a copy of this order.

7.In the result, this criminal original petition is allowed in the above terms. Consequently, the connected miscellaneous petition is closed.

27.03.2024

pri  
Index: Yes/ No  
Speaking Order: Yes/ No NCC: Yes/ No

5/6



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CrI.O.P.No.1541 of 2023

**N.ANAND VENKATESH,J.**  
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To

- 1.The Metropolitan Magistrate Court  
for Trial of land Grabbing Cases – II, Allikulam.
- 2.The Sub Inspector of Police  
CCB-I Police Station,  
Chennai.
- 3.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.

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**And**  
**CrI.M.P.No.882 of 2023**

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