



Crl.O.P.No.4641 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4641 of 2022

and

Crl.M.P.No.2408 of 2022

1. G.Subramani
2. K.Balaji
3. G.Manokaran
4. Sundaramoorthy
5. Murali

... Petitioners

Vs.

1. State rep. by
Inspector of Police,
Anti Land Grabbing Special Cell,
Tiruvallur Dt.

2. Munusamy

.. Respondents

PRAYER : Criminal Original Petition filed under Sec.482 of Criminal Procedure Code, to call for the records and quash the charge sheet in C.C.No. 51 of 2020 in Crime No.2 of 2014 on the file of Judicial



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Magistrate Court at Tiruttani as it is exfacie illegal, abuse of process, miscarriage of justice, besides being liable to quash on the ground of purely civil dispute between the defacto complainant and the 1st and 2nd petitioners and abuse of process of law.

For Petitioners : Mr.D.S.Ramesh

For Respondents : Mr. S.Vinoth Kumar
Govt. Advocate (Crl. Side) for R1

Mr.P.Venkatesan for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No. 51 of 2020 on the file of learned Judicial Magistrate, Tiruttani.

2. Heard both sides.



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3. The 1st petitioner is the vendor. The 2nd petitioner is the purchaser. The 3rd and 4th petitioners are witnesses in the sale deed executed by 1st petitioner. The 5th petitioner is relative of 2nd petitioner. The case of 2nd respondent/defacto complainant is that 1st petitioner's mother Chinnammal purchased the property through a sale deed dated 15.04.1953 in Survey No.157/4 Part with a total extent of 75 cents. Thereafter, she died leaving behind her only son Subramani. As a sole legal heir, after the death of his mother, the 1st petitioner enjoyed the said property as an absolute owner. Subsequently, the land in Survey No.157/4 was sub-divided into Survey Nos. 157/4 and 157/5 and he has obtained patta vide Patta No.206 and also obtained chitta, adangal in his name and the same was reflected in 'A' register as the property in Survey No.157/5 belong to the 1st petitioner. After verifying all those documents, the 2nd petitioner purchased an extent of 42 cents and thereafter, he enjoyed the property. But, now the defacto complainant claimed himself as owner of the property from the year of 1969 stating that he is owner of the property in Survey No.157/5. In fact, he is owner of the property in



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Survey No.157/4. But, based upon exchange deed, he claimed right. Even assuming that it is true, the purchase made by the 1st petitioner's mother was much earlier in the year of 1953. Suppressing several material facts, the 2nd respondent/defacto complainant lodged a complaint before the 1st respondent police stating that by manipulation, the document was created by the 1st petitioner and his vendor, thereby all were charged for an offence under Sec.420, 465, 468, 471 of I.P.C. r/w 120 I.P.C. Accordingly, the final report was filed in C.C.No. 51 of 2015. In the meanwhile, the suit for declaration was filed by the 1st petitioner in O.S.No. 109 of 2013, in which the 2nd respondent/defacto complainant and subsequent purchasers are parties and the same is still pending before the District Munsif Court, Tiruttani. Moreover, before that, a suit for permanent injunction in O.S.No.6 of 2014 was filed by the 2nd petitioner and the same was decreed. Against which, he preferred an appeal in A.S.No. 21 of 2022 and the same is pending. Another suit filed by the defacto complainant in O.S.No. 159 of 2015 was decreed exparte and now it is restored.



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4. All the aforesaid facts would clearly reveal that to confirm the title belong to the 1st petitioner, he filed a suit for declaration in O.S.No.109 of 2013 and the same is still pending. If at all, any grievance over his title, the 2nd respondent/defacto complainant has to work out his remedy before the civil court. Furthermore, on perusal of records as well as the sale deed relied on by the 1st petitioner, it reveals that in the year of 1953, mother of 1st petitioner purchased the property in Survey No.157/4 Part through a registered document and subsequently, sub-division was taken place. However, on perusal of 'A' register, it reveals that as on date, the property in Survey No.157/4 was allotted to one Munusamy and the property in Survey No.157/5 was allotted to 1st petitioner. So, if at all, any irregularity is there in the sub-division, the 2nd respondent/defacto complainant is directed to work out his remedy in the civil court and not through criminal proceedings. Hence, the proceedings initiated against the petitioners as such is vexatious one and the same is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings pertaining to the charge sheet in C.C.No.51 of 2020 pending



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on the file of learned Judicial Magistrate, Tiruttani is quashed.

Consequently, the connected Criminal Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To

1. Inspector of Police,
Anti Land Grabbing Special Cell,
Tiruvallur Dt.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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