



Crl.O.P.No.6384 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM:

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

Crl.O.P.No.6384 of 2022
and
Crl.M.P.Nos.3581 & 3583 of 2022

Samraj

... Petitioner

Versus

1. The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Vellore District, Vellore.
(Crime No.46 of 2015)

2. Manimaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.87 of 2020 pending on the file of the learned Judicial Magistrate Court No.II, Thirupattur and quash the same.



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For Petitioner : Mr.V.Vasantha Kumar for
Mr.S.Srinivasa Narayanan
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 87 of 2020 on the file of learned Judicial Magistrate Court No.II, Thirupattur.

2. Heard both sides.

3. The petitioner is ranked as A3 in the F.I.R. in Crime No.46 of 2015 registered for the offence under Sec.120-B, 420, 423, 465, 468, 506(ii) of I.P.C. and under Sec.82 of the Tamil Nadu Registration Act, 1908. Subsequently, the charge sheet has been filed and the same was taken on file in C.C.No.87 of 2020 on the file of Judicial Magistrate No.II, Thirupattur and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet stating that he has



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been falsely implicated in this case by the 1st respondent police as per the complaint given by the 2nd respondent/defacto complainant.

4. Brief facts of the case is that as per the complaint lodged by the 2nd respondent/defacto complainant, the property was belong to him and out of faith, he executed a power of attorney in favour of A1 Govindaraj, who is his friend and through the said power of attorney, clandestinely and with a malafide intention, he executed a sale deed in favour of his wife on 10.09.2012. Based on the said sale deed, subsequently, she sold the property to A3, the present petitioner herein. Having came to know all these malpractice and fabrication of document, the 2nd respondent/defacto complainant approached A1, but he refused to hand over the property. Hence, a F.I.R. in Crime No.46 of 2015 was lodged and based on that, a final report was also filed.

5. The learned counsel for petitioner would submit that he is a bonafide purchaser for a valuable consideration and based on the title stands in the name of A2, he purchased the property. Therefore, there is



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no malafide intention to harass the 2nd respondent/defacto complainant.

Hence, he prayed to quash the proceedings initiated against him since there is no specific allegation against him.

6. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent would submit that as per the final report, all the three accused colluded together and grabbed the property belong to the 2nd respondent/defacto complainant. In fact, the original owner is not able to proceed with his complaint. Hence, he raised strong objections.

7. The learned counsel for petitioner would submit that the case is in the nature of civil dispute. If at all, the 2nd respondent/defacto complainant is having any right over the property, he has to approach a civil court. Accordingly, he prayed to quash the charge sheet.

8. On seeing entire allegation, it reveals that the power of attorney was executed to A1 by the 2nd respondent/defacto complainant and based



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on that, he transferred the property clandestinely to A2 and subsequently, she sold the property to A3, the petitioner herein. However, there is no proof for sale consideration produced by the 2nd respondent/defacto complainant as on date. Hence, I do not find any any irregularity in the charge sheet initiated by the 1st respondent police and this Court is not inclined to quash the proceedings initiated against him. Accordingly, this Criminal Original Petition is dismissed.

29.01.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
District Crime Branch, Anti Land Grabbing Special Cell,
Vellore District.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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