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Crl.O.P.No.7723 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.7723 of 2022

1.D.Vijayarajan
2.Sundar
3.Krishnaveni

... Petitioners

Vs.

1.The State Rep by
Inspector of Police,
H-8, Thiruvottiyur,
Chennai-600 019.
Crime No.708 of 2019

2. Dhanraj

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the FIR in Crime No.708 of 2019 pending investigation on the file of the Inspector of Police, H-8, Thiruvottiyur, Chennai-600 019.

For Petitioners : Mr.C.D.Johnson

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner has filed this petition to call for the records and quash the FIR in Crime No.708 of 2019 pending investigation on the file of the Inspector of Police, H-8, Thiruvottiyur, Chennai-600 019.

2. The case of the prosecution is that the 3rd petitioner who is the mother of the 1st and 2nd petitioners agreed to purchase a house and land of one Muniswamy for a sale consideration of Rs.27,75,000/- out of which Rs.26,75,000/- was paid to him. Thereafter, the registration of the said property was postponed for want of certain documents. Both the parties were agreed to register the property on 09.07.2019, but neither registered the document nor repaid the amount, due to which there was a wordy quarrel among them, thereafter, the petitioners have abused the defacto complainant and his wife in filthy language and assaulted them. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are belongs to one family and they engaged the defacto complainant to purchase the property and to register the sale deed. With



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regard to registration of sale deed there was some dispute was arose among themselves and their advocate. Aggrieved that their counsel gave a false complaint. Hence, he prays to quash the proceedings.

4. The learned Government Advocate (Crl. Side) appearing for the 1st respondents submitted that the petitioners engaged the defacto complainant to purchase the property in favour of the 3rd petitioner and the fact reveals that with regard to registration of the document there was a dispute between the counsels and the litigants. Based on the complaint given by the de-facto complainant, the 1st respondent has registered a case in Crime No.708 of 2019 for the alleged offences under Section 294(b), 323, 506(1) of IPC.

5. Considering the facts and circumstances, there is no ingredient to attract the provision of law. On a perusal of the records, it reveals that with regard to registration of the document there was some dispute between the parties. Therefore, there was a discussion between the litigants and the counsels in respect of the registration of the document. The reason assigned by the petitioners are justifiable as there is no material evidence to prove



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the alleged occurrence as narrated by the defacto complainant. Therefore, this Court is inclined to quash the proceedings in Crime No.708 of 2019 on the file of the 1st respondent.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous petition is closed.

19.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
H-8, Thiruvottiyur, Chennai-600 019.
- 2.The Public Prosecutor, High Court of Madras.

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