



Crl.O.P.No.7106 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:16.08.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.7106 of 2024

and

Crl.M.P.No.5173 fo 2024

1.B.Mukesh

2.B.Mohana

.. Petitioners

/versus/

1.State rep.by
The Inspector of Police,
Central Crime Branch-1,
Vepery, Chennai 600 007.
(Crime No.190/2023)

2.Kanchana

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in Crime No.190 of 2023 on the file of the 1st respondent dated 20.07.2023 and quash the same.

For Petitioners :Mr.K.Madhan

For R1 :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side)

For R2 :Ms.M.Rakhi



Crl.O.P.No.7106 of 2024

WEB COPY

ORDER

The petitioners herein are son and mother. They are shown as accused in Crime No.190 of 2023 on the complaint given by one Kanchana.

2. Sum and substance of the complaint is that the complainant Kanchana had affair with the first accused Anandraj and believing his words, she executed sale deed in favour of Anandraj on 16.08.2017. Later, the said Anandraj sold the property to the fourth accused/2nd petitioner vide sale deed dated 16.07.2021 in which the second and fifth accused were witnesses to the sale deed and the third accused was Mediator to facilitate the transaction. Based on the complaint given by the second respondent, a case was registered in Crime No.190 of 2023 for the offence under Sections 406 and 420 of IPC and the same is under investigation.

3. The learned counsel appearing for the petitioners submitted that from Anandraj, who was the title holder of the property they purchased the property for due consideration and paid Rs.1,80,00,000/-



Crl.O.P.No.7106 of 2024

to Anandraj. The defacto complainant has occupied the first floor of the building and RCOP for vacate her is pending. The petitioners herein would stated that they are bona fide purchaser for value and paid the sale consideration to Anandraj who is the title holder. The defacto complainant after four years of the transaction, has come out with the complaint which was earlier investigated by the police and closed. Thereafter, she has approached the Magistrate to register the complaint under Section 156(3) of Cr.P.C, without referring the earlier complaint registered in Crime No.10 of 2018 on the file of the first respondent police and its withdrawal.

4. The learned counsel appearing for the petitioners submitted that after transferring her property to Anandraj for specific consideration, the property been enjoying by Anandraj and later sold to the fourth accused. The revenue records and tax records been made in favour of the fourth accused. The earlier complaint against Anandraj prior to the said transaction having been withdrawn by the petitioners herein after alienation by Anandraj. After few years, the second respondent/defacto



Crl.O.P.No.7106 of 2024

complainant has come out with very same complaint against the bonafide purchaser.

5. The learned counsel appearing for the defacto complainant submitted that she had been under the influence and love of Anandraj, who deceived her to transfer the property in her name but no sale consideration was received by her. Thereafter realising she has been cheated she gave a complaint which was registered in Crime No.10 of 2018. Later, Anandraj impressed upon her and enticed her to withdraw the complaint and promised to settle the dues. Believing his words, she withdrew her complaint. However, Anandraj has cheated her by transferring the property to the fourth accused.

6. Even if the version of the complainant has to be taken as true, only Anandraj the person, who cheated and deceived her, is liable for prosecution and not the innocent purchasers of the property based on the title documents. The complaint is filed with malicious intention to extract more money from the bona fide purchaser, since the defacto



Crl.O.P.No.7106 of 2024

complainant is allowed to occupy the portion of the property. Therefore, this petition to quash the crime No.190 of 2023 is allowed.

7. In the result, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petition is closed.

16.08.2024

Index:yes/no

Neutral Citation:yes/no

ari

To

1.The Inspector of Police, Central Crime Branch-1, Vepery, Chennai 600 007.

2.The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.7106 of 2024

DR.G.JAYACHANDRAN,J.

ari

Crl.O.P.No.7106 of 2024

and

Crl.M.P.No.5173 fo 2024

16.08.2024