



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.OP.No.7452 of 2024

and

CRL.MP.No.5412 of 2024

M. Ravi

... Petitioner

Vs.

1. The State Rep by the
Inspector of Police, Team XXIV,
LFIW-II, CCB-I, Egmore.

2. C.S.Chandrasekar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the First Information Report in Cr.No.209 of 2023, on the file of the 1st respondent and quash the same.

For Petitioner : Mr.T.R.Ravi

For Respondents : Mr.S.Udayakumar for R1
Government Advocate (Crl.Side)
No appearance for R2



WEB COPY



ORDER

The petitioner herein purchased a property from one Baskaran, Ex-Secretary-cum-Liquidator, Rangarajapuram Co-operative Building Society on 23.05.2023. Soon after the purchase of the property, he came to know that the case has been registered in Cr.No.209 of 2023 by CCB-1, Egmore, for offence under Sections 420, 465, 467, 468, 471, 447 and 143 r/w. 120(b) of IPC against four named accused and others and this petitioner, been named as first accused. Immediately, he has gone to the Sub-Registrar Office and cancelled deed in his favour and got it registered on 25.10.2023 and thereafter, he had come to this court for quashing complaint against him since he is a bonafide purchaser for value from the liquidator and who is the prime accused in this case, who has suppressed the material information from the petitioner before selling it to him.

2. This court, on 27.03.2024, had recorded the submissions made by the counsel and on perusal of the petition, prima facie, satisfied that the petitioner is the victim of crime and having cancelled the deed before filing final report, instructions must be obtained from this court.



However, it is now reported to this court by the learned Government Advocate (Crl.Side) appearing for the first respondent that final report has been filed against four accused including this petitioner on 02.05.2024. This court to ascertain whether the property been re-conveyed to the defacto complainant caused notice to the defacto complainant through first respondent police.

3. Learned Government Advocate (Crl.Side) appearing for the first respondent states that the defacto complainant appeared in person and informed that he is not interested in pursuing against this petitioner who has re-conveyed the property to him.

4. In the light of the above fact, by re-conveying the property back to the defacto complainant soon after put to notice about the defect in the title and the possession is with defacto complainant, this petitioner cannot be proceed criminally in the absence of *mens rea* and therefore, the final report as against this petitioner alone is quashed. With regard to the other accused persons, the trial court shall proceed in accordance with law.



WEB COPY



Dr.G.JAYACHANDRAN,J.

gv

5. In the result, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petition is closed.

25.06.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

gv

To

- 1.The Inspector of Police, Team XXIV,
LFIW-II, CCB-I, Egmore.
2. The Public Prosecutor,
High Court of Madras,
Chennai.

**CRL.OP.No.7452 of 2024
and
CRL.MP.No.5412 of 2024**