



Crl.O.P.No.14138 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM :

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

Crl.O.P.No.14138 of 2022

and

Crl.M.P.No.7732 of 2022

K.M.Anwar Ismail

... Petitioner/A1

Versus

1.The State represented by
The Sub- Inspector of Police (L&O)
D1, Triplicane Police Station,
Chennai-600 005.
Crime No.153 of 2022

2.Revathy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records in Crime No.153 of 2022 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.C.S.Dhanasekaran

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



Crl.O.P.No.14138 of 2022

ORDER

WEB COPY This petition has been filed to quash the proceedings in Crime No.153 of 2022 on the file of the 1st respondent police, for the alleged offences under Sections 448, 427, 294(b), 323, 506(i) of IPC.

2. The learned counsel for the petitioner submitted that the petitioner is advised to submit that the public auction was conducted by the competent Civil Court on the basis of the consent given by all the parties concerned. Being a purchaser of the property measuring an extent of 672 Sq.ft, comprised in O.S.No.267, R.S.No.160/1, C.C.No.2768 and 2774 R.S.No.157/8 herein after referred to Property by Court Auction on 30.08.2021 and having obtained the sale certificate dated 08.12.2021 duly issued by the learned XV Assistant City Civil Judge, Chennai in I.A.No.5124/2007 in O.S.No.5363/1998, the petitioner becomes the absolute owner of the property. The second respondent can hardly have the claim over the property in any manner.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that on 10.02.2024, a letter was given by the defacto complainant stating she has sold



Crl.O.P.No.14138 of 2022

the family property through Court auction as per Court of law and her share of Rs.13 lakhs was deposited by auction purchaser in the Court. Accordingly, she received the amount on 11.08.2022. Therefore, she is not inclined to proceed with the case against the petitioner. Furthermore, the certificate issued by the Registrar of City Civil Court also produced on the side of the petitioner.

4. On seeing the fact that the property was already auctioned on 30.08.2021 and the entire amount also deposited by the petitioner as per clause (4) of the proclamation of sale, and the de-facto complainant is also received the amount. Upon perusal of the sale certificate issued by the learned City Civil Judge, Chennai and on perusing the letter given by the defacto complainant, this Court found that as on date, the defacto complainant has no right in the property and she is also not inclined to proceed with the matter further.

5. Considering the submission made by the learned Government Advocate (Crl.Side) and also considering the letter given by the defacto complainant, the entire proceeding is ordered to be quashed against A1 and

T.V.THAMILSELVI, J.



Crl.O.P.No.14138 of 2022

rri

WEB COPY A2, who is the brother of A1, in Crime No.153 of 2022 on the file of the 1st respondent police.

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

16.02.2024

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

rri

To

1.The Sub- Inspector of Police (L&O)
D1, Triplicane Police Station,
Chennai-600 005.
Crime No.153 of 2022

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14138 of 2022
and
Crl.M.P.No.7732 of 2022