



Crl.O.P.No.22290 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM:

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

Crl.O.P.No.22290 of 2022

and

Crl.M.P.No. 14352 of 2022

1. C.Govindasamy
2. G.Vinothkumar
3. K.Madhu

... Petitioners

Vs.

1. State of Tamil Nadu
rep. by Inspector of Police,
Yercaud Police Station,
Yercaud, Salem Dt.
(Crime No.92 of 2022)

2. M.Periyasamy

.. Respondents

PRAYER : Criminal Original Petition filed under Sec.482 of Criminal Procedure Code, to call for the records in F.I.R. No.92 of 2022 on the file of Inspector of Police, Yercaud Police Station, Salem District and quash the same.



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For Petitioners : Mr.K.Selvaraj

For Respondents : Mr. S.Vinoth Kumar
Govt. Advocate (Crl. Side) for R1

Mr. S.M.Nandhie Devhan for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.92 of 2022 on the file of 1st respondent police.

2. Heard both sides.

3. The petitioners are the named accused in Crime No. 92 of 2022 on the file of 1st respondent police based on the complaint given by 2nd respondent for an offence under Sec.120-B, 420 and 379 of I.P.C. The defacto complainant herein is brother of one M.Periyamani. From the said Periyamani, the petitioners 1 to 3 purchased the property in the year of 2007 for a valid consideration. From that date onwards, they were in possession and enjoyment of property. Now strangely, 2nd



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respondent/brother of the said vendor viz., Periyamani gave a complaint against these petitioners stating that in the year of 2007, they have purchased the property for lesser value and they have removed the trees from the land colluding with other neighbourhood persons and also by threatening his brother, the joint family property was purchased by them. Accordingly, the F.I.R. was lodged in the year of 2022 and based on that, the 1st respondent police registered the F.I.R. in Crime No. 92 of 2022 against these petitioners.

4. The learned counsel for petitioners would submit that they have purchased the property in the year of 2007 for a valid consideration from the brother of 2nd respondent/defacto complainant and thereafter they have settled the property among themselves through a family partition. Subsequently, patta and other revenue records were transferred into their name. Now, nearly after about 15 years, the F.I.R. was lodged as if they have purchased the property for a lesser value by cheating his brother. In fact, the 2nd respondent/defacto complainant is already known about the said sale deed executed by his brother and they were in possession of the



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property, but all these years he has not filed any civil suit. Hence, they prayed to quash the proceedings initiated against them.

5. Admittedly, on perusal of F.I.R., it reveals that the allegation levelled with regard to the occurrence of the year of 2014 and 2015 as if there was a dispute in respect of property, but the F.I.R. was lodged only in the year of 2022. All these years, there was no civil suit filed by the 2nd respondent/defacto complainant. Admittedly, on 10.09.2007, these petitioners have purchased the property and as on date, they enjoyed the property as absolute owners. Therefore, the reasons stated by the 2nd respondent/defacto complainant that for lesser value, these petitioners have purchased the property in the year of 2007, for that, he gave a complaint in the year of 2022 as such is totally vexatious one. There is no substantial prima facie materials to prove the allegations levelled in the F.I.R. If at all, the property is a joint family property, in which the 2nd respondent/defacto complainant is entitled to approach civil forum to work out his remedy. Furthermore, though the petitioners raised objections, but they admit that they have purchased the property in the



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year of 2007 and as on date, they are in enjoyment of the property.

Hence, the F.I.R. registered against them is liable to be quashed.

Accordingly, this Criminal Original Petition is allowed and the proceedings in F.I.R. No. 92 of 2022 on the file of 1st respondent police is quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

04.01.2024

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To

1. Inspector of Police,
Yercaud Police Station,
Yercaud, Salem Dt.

2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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