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Crl.O.P.No.19951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:11.09.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.19951 of 2024

N.Murugesan

.. Petitioner

/versus/

1.The Superintendent of Police,
Tirupattur District.

2.The Inspector Police-II,
District Crime Branch,
Tirupattur District.

.. Respondents

Criminal Original Petition has been filed under Section 482 of
Cr.P.C., to direct the 1 and 2 respondents not to harass the petitioner.

For Petitioner :Ms.Manju Priya

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

For Defacto
Complainant :Mr.M.Himavanth



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ORDER

This Criminal Original Petition is filed seeking a direction to the police not to harass under the guise of investigating the complaint given by one Jeevanantham.

2. The learned Government Advocate (Crl.Side) submitted that the complaint alleging that without proper title, the petitioner has sold the property to the complainant and received sale consideration, has been enquired by the respondents-police. The petitioner was called for enquiry. The petitioner participated in the enquiry and produced documents in his possession. Meanwhile, it is also in the course of enquiry found that the Assistant Director of Survey and Land Records Department, Tiruppathur, passed an order declaring that the joint patta issued to the petitioner as well as the complainant are not based on the revenue records and cancelled the patta issued to them. In such circumstances, investigation is required on the complaint given by Jeevanantham for which the petitioner's co-operation is required.



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3. The learned counsel appearing for the defacto complainant/Jeevanantham wants to implead the defacto complainant/Jeevanantham in this case and submitted that suppressing the fact that he has no title, the petitioner had fraudulently sold the property to the complainant/Jeevanantham and therefore, the interrogation of the petitioner is essential.

4. The facts involved in this case centres around a piece of property, which alleged to have been the subject matter of the compromise decree in the year 2017 in O.S.No.416 of 2010. The petitioner claims that based on the compromise decree, he purchased the property in the year 2021 and sold a portion of it to the defacto complainant/Jeevanantham in the year 2022 and both the petitioner and defacto complainant/Jeevanantham had joint patta over the property. However, the said issuance of the joint patta been considered by the Assistant Director of Survey and Land Records Department and found to be improper and suggested for cancellation. In the said circumstances, to ascertain whether the transaction was done bonafidely or fraudulently, a



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thorough investigation is required for which the vendor of the petitioner is also to be enquired.

5. In the said circumstances, this Criminal Original Petition is disposed of directing the respondents police to conduct a thorough investigation by summoning the parties and on such summon, the parties may appear and produce the documents in their favour. The respondent police shall proceed in accordance with law, after ascertaining the role of the parties in the alleged sale of non existing property.

11.09.2024

Index:yes/no

Neutral citation:yes/no
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To:

- 1.The Superintendent of Police, Tirupattur District.
- 2.The Inspector Police-II, District Crime Branch, Tirupattur District.
- 3.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.



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