



Crl.O.P.No.9253 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM:

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

Crl.O.P.No.9253 of 2022

and

Crl.M.P.No.5394 of 2022

Rani

... Petitioner

Versus

1. State rep. by
The Inspector of Police,
Anti-land Grabbing Crime Cell,
Vilupuram Dt.
(Crime No.93 of 2014)

2. P.T.Ranganathan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.185 of 2019 on the file of the learned Judicial Magistrate No.II, Ulundurpet, Villupuram District and quash the same.



Crl.O.P.No.9253 of 2022

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

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 185 of 2019 on the file of learned Judicial Magistrate No.II, Ulundurpet.

2. Heard both sides.

3. The petitioner is ranked as A2 in the F.I.R. in Crime No.93 of 2014 registered for the offence under Sec.465, 468, 471, 341, 417, 448, 506(ii) I.P.C. @ Sec.120(b), 465, 468, 417, 471, 447 and 506 (i) of I.P.C. Subsequently, the charge sheet has been filed and the same was taken on file in C.C.No.185 of 2019 on the file of Judicial Magistrate No.II, Ulundurpet and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet.

4. According to 2nd respondent/defacto complainant, he entered into



CrI.O.P.No.9253 of 2022

a sale agreement to purchase the property much earlier in the year of 1999. As the original owner Arunachala Reddiar's family failed to execute the sale deed, he filed a suit in O.S.No.61 of 2000 before the Sub-Court, Villupuram and subsequently, it was transferred to District Munsif Court, Ulundurpet in O.S.No.140 of 2004 and the suit was decreed in his favour. Based on that, execution proceedings was taken on 09.12.2011 and he took possession of property except house property. However, this petitioner/A2 attempted to cause interference. Hence, a complaint was registered, a final report was filed and the charge sheet was taken on filed in C.C.No.185 of 2019 and the same is pending before the Judicial Magistrate No.II,Ulundurpet.

5. The learned counsel for petitioner would submit that as she is the 2nd accused filed this petition praying to quash the proceedings and now the charge sheet in C.C.No. 112 of 2024 is pending before the Judicial Magistrate No.II, Ulundurpet. He would submit that the petitioner has been falsely implicated in this case as if she grabbed the property. In fact, originally, the property belong to Arunachala Reddiar and he sold the



Crl.O.P.No.9253 of 2022

WEB COPY

property to one Dandapani Padayachi in the year of 1981 and subsequently, the said Dandapani Padayachi sold the property in the year of 1986 to Vannamail and in the year of 2003, the said Vannamail sold the property to one Villa Amirtham and in the year of 2008, this petitioner purchased the property. So, there is no fraudulent transaction as alleged by the 2nd respondent/defacto complainant. Furthermore, on the date of entering the sale agreement in the year of 1999, the said Arunachala Reddiar has no right over the property. Therefore, the complaint as well as civil suit proceedings against the petitioner as such is unjust and he has no locus standi to proceed with the same. Accordingly, he prayed to quash the proceedings initiated against her.

6. On perusal of entire facts, it reveals that based on unregistered agreement of the year 1999, the 2nd respondent/defacto complainant claimed right, but the fact reveals that on 16.05.1981 itself, Arunachala Reddiar sold the property to Dhandapani Padayachi. Therefore, the title of original owner was already conveyed and if at all, the 2nd respondent/defacto complainant, who is predecessor to the subsequent



agreement holder might have verified the encumbrance certificate. But, there is no proof that he verified all the documents as well as encumbrance. Furthermore, on perusal of sale deeds annexed with the typed set of papers of the petitioner, it reveals that in the year of 1986 itself, Survey No.76/8, out of 1.76 acres, 76 cents was sold by Arunachala Reddiar to Dandapani Padayachi. Subsequently, the said property was conveyed to various persons and one such person is the petitioner Rani, who purchased the said property for a valid consideration in the year of 2008. Thereafter, she sold the property to one Arasan. So, the contention of the petitioner as a bonafide purchaser, she purchased the property and the predecessor of title also having valid right to deal with the property because from the year of 1981, as the said property was conveyed by Arunachala Reddiar and Dandapani padayachi and the subsequent sale would clearly reveals that original owner lost his right in the year of 1981 itself. Therefore, the alleged agreement relied by the 2nd respondent/defacto complainant of the year 1999 would not bind the transaction made by the said Arunachala Reddiyar to Dandapani Padayachi and the subsequent purchase made by this petitioner to this



Crl.O.P.No.9253 of 2022

property. So, the reasons assigned by the petitioner is justifiable. Hence, the proceedings initiated against her is vexatious one, since because the original owner itself has no right to enter into agreement of said 76 cents of property in view of subsequent sale transactions. Therefore, this court is inclined to quash the proceedings as there is no basic ingredient to dishonest intention on the part of the petitioner. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner in a charge sheet in C.C.No.185 of 2019 on the file of Judicial Magistrate No.II, Ulundurpet is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

09.02.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
Anti-land Grabbing Crime Cell,
Vilupuram Dt.

2. The Public Prosecutor,
High Court, Madras.



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CrI.O.P.No.9253 of 2022

T.V.THAMILSELVI, J.

rpp

CRL.O.P.No.9253 of 2022

09.02.2024