



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

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

CRL.OP No. 24805 of 2021

& CrI.MP. No. 13687 & 13688 of 2021

1 PRAVEENA

...petitioner

Vs.

1 STATE REPRESENTED BY
THE INSPECTOR OF POLICE ANTI - LAND
GRABBING SPECIAL CELL DISTRICT POLICE
OFFICE CAMPUS COIMBATORE.-18.

2 DURAISAMY

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for records in C.C. No. 26 of 2020 on the file of the Judicial Magistrate Sulur Coimbatore District and quash the same as against the Petitioner.

For Petitioner : Mr.R. Karthikeyan

For R1 : Mr.S.Vinoth Kumar

Government Advocate (Crl. side)

For R2 : T.Gowthaman, Senior counsel
for Mr.B.Pachaiyappan

**ORDER**

WEB COPY

The petitioners herein filed this petition to call for the records in C.C.

No. 26 of 2020 on the file of the Judicial Magistrate Sulur Coimbatore District and quash the same as against the Petitioner.

2. The case of the prosecution is that the complainant was partner in the firm called D.J. Engineering. In which, the second accused was also equal partner therein. The name of the firm was formed on the first letter of the second respondent and the first letter of the husband of accused No.2 and the partnership concern was registered on 06.04.984. Thereafter, the firm had purchased the property in S.No. 709/2E to the extent of 0.94 cents in the name of the said firm and by way of registered sale deed dated 11.06.1991 registered as document No. 1786 of 1991. During the year 1999, they got separated. Subsequently. petitioner along with father-in-law started business in the name of T.J Engineering and using the same through document dated 09.03.2012 in Document No. 3908 of 2012, executed a sale deed in favour of the petitioner for 0.94 cents. Further, the petitioner's father-in-law in the witness to the said document. Thereafter, the second respondent/complainant filed the civil suit seeking declaration to declare the sale deed as null and void in O.S No. 454 of 2014 before the District Munsif



Court, Coimbatore to set aside the sale deed. While pending suit, the petitioner intentionally transferred the said property to third person in the year 2018. Hence, the complainant filed the case and same was taken in file in C.C No. 26 of 2022. Therefore, the petitioner filed this petition to quash the said C.C No. 26 of 2022.

3. The learned counsel for the petitioner submits that A1 is the bonafide purchaser of the said property for valid consideration but the complainant gave a false complaint as if her vendors has no title to convey the said property. Besides, his vendor/Manjula gave a false information and obtained life certificate thereby fabricating the sale deed in her favour but in fact her vendor Manjula was partner in T.J Engineering and the property also purchased in the name of the partnership firm deed in the year 1991 as shows that she is having valid title to convey the property. Hence, there is no such fabrication was committed by the petitioner. Further the complainant is no way connected with the disputed property related to T.J Engineering partnership firm but he himself taking advantage of the transactions gave a false complaint as if he is also a owner of the property. Hence, he prayed to allow this petition.



4. The learned counsel for the complainant submits that D.J Engineering partnership firm was started in the year 1984 in which Manjula/A2 was one of the partner who is wife of the Jothiviswanathan. The name of the firm was formed as first letter of the complainant and the first letter of the husband of A2. While so, the property in S.No. 709/2E to the extent of 0.94 cents in the name of the said firm and by way of registered sale deed dated 11.06.1991 registered as document No. 1786 of 1991 and thereafter patta also transferred in the name of the complainant as well as in the name of A2 all the original documents are with the complainant. In order to grab the said property the A2 colluded with his daughter-in-law and her family members created T.J Engineering partnership firm and sold the property in favour of her daughter-in-law/A1. Before that they issued paper publications and obtained non traceable certificate. Based on the non traceable certificate the property was conveyed to the A1. Hence, he gave a complaint before the respondent police and FIR was registered. After investigation respondent police filed the final report. Further, the prosecution collected sufficient materials to prove the fabrication of the documents and also role of the Manjula in the said offence.



5. The learned counsel for the petitioner submits that the petitioner is an innocent purchaser. He prays to allow this petition.

6. On perusal of the sale deed, it reveals that the alleged property was purchased in the year 1991 by the D.J engineering partnership firm, it was not mentioned as individual one. Admittedly, as on date, original document is in the hands of the complainant so also original patta stands in his name. Immediately, knowing about the sale the complainant filed the suit in O.S No. 454 of 2015 before the District Munsif Court, Coimbatore. Further, the Manjula got separated from the said D.J. Engineering firm. Therefore, there is a prime facie material satisfied that complainant owned the original document, which clearly shows that Manjula obtained non traceable certificate by giving false information and sold th property. If at all the original document is with the complainant unlawfully, she should have given a complaint but not to do so. The fact reveals that there is prime facie material against the petitioner to prosecute her. Hence this Court is not inclined to allow this petition. However, the Trial Court is directed to dispose of the Trial within a period of six months from the date of receipt of a copy of this order.



6

7. In the result, this Criminal Original Petition is Dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

30.01.2024

pbl

To
The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.



WEB COPY



7

pbl

CRL.OP No. 24805 of 2021
& CrI.MP. No. 13687 & 13688 of
2021

30.01.2024