



CrI.O.P.No.25024 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.25024 of 2024

and

CrI.M.P.Nos.14056 & 14057 of 2024

M/s.Nuziveedu Seeds Limited,
Rep by its Managing Director,
Mandarva Prabahar Rao,
No.103, Classic Garden,
Kumarasamy Nagar, Second Street,
Sholinganallur, Chennai -19.

... Petitioner

Vs.

S.Arumugam

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in C.C.No.114 of 2024 on the file of the District
Munsif cum Judicial Magistrate, Thiruporur and quash the same.

For Petitioner : Mr.J.Ravikumar

For Respondent : Mr.M.Jayapal Rajan

ORDER

This Criminal Original Petition has been filed to call for the
records in C.C.No.114 of 2024 on the file of the District Munsif cum
Judicial Magistrate, Thiruporur and quash the same.



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2. Learned counsel for the petitioner submitted that the petitioner company purchased the subject property from the legal heirs of late Janakiammal, vide Sale Deed Document No.5486 of 2004. The Janakiammal was the original owner and she died intestate leaving behind the legal heirs. After verifying all the revenue records, the petitioner purchased the property from the legal heirs of the said Janakiammal. Whereas, the respondent disputed the title of Janakiammal to the extent of 10 cents in S.No.31/1 out of total extent of 40 cents transferred to the petitioner company. Hence the respondent filed a criminal complaint against the legal heirs of the late Janakiammal and the petitioner before the concerned police on 06.03.2024 and the same was closed by instructing the respondent to avail judicial remedy. Thereafter, the respondent filed a private complaint as against the petitioner company and 24 others in C.C.No.114 of 2024 on the file of the District Munsif cum Judicial Magistrate, Thiruporur for the offence under Sections 441, 420, 120(B) read with 34 of IPC and Anti Land Grabbing Act. The petitioner was arrayed as A1. Unfortunately, the learned Magistrate failed to consider the issues involved in the matter is



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civil in nature and without verifying the materials, has taken cognizance of the complaint. Hence the petitioner has filed the present criminal original petition to quash the said complaint.

3. Learned counsel for the respondent submitted that the petitioner company purchased 40 cents of land in S.No.31/1 at Navalur Village, Thiruporur Taluk from the legal heirs of Late Janakiammal, whereas, the said Janakiammal had title to 30 cents of land only in the abovesaid survey number and the remaining 10 cents of land belongs to the respondent. Despite knowing fully well that the said late Janakiammal and her legal heirs are entitled to only 30 cents of land, they have created a document as if the said Janaki ammal was entitled to 40 cents of land. Hence he prayed for dismissal of the criminal original petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.



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5. On a perusal of the materials and the complaint filed in C.C.No.114 of 2024 on the file of the District Munsif cum Judicial Magistrate, Thiruporur, it is found that there is a cloud in the title and the civil court is a proper forum to decide the right and title of the parties and further there is no prima facie materials to show that the alleged offence has been made out by the petitioner.

6. Under the above facts and circumstances, the Criminal Original Petition is allowed and the complaint in C.C.No.114 of 2024 on the file of the District Munsif cum Judicial Magistrate, Thiruporur is quashed, insofar as the petitioner alone is concerned. However, the respondent is at liberty to workout his remedy before the competent civil court. Consequently, connected miscellaneous petitions are closed.

05.11.2024

mfa

Index: Yes/No

Speaking Order: Yes/No



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Neutral Citation: Yes/No

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P.VELMURUGAN, J.

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