



Crl.O.P.No.29230 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.29230 of 2022
and Crl.M.P.Nos.17878 and 17879 of 2022

N.Govindarajan

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police
Valathy Police Station
Villupuram District

2.Mariyammal

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records and quash the proceedings pending as against the petitioner in C.C.No.49 of 2021 pending on the file of the learned Judicial Magistrate, Gingee, Villupuram District as far as the petitioner is concerned.

For Petitioner : Mr.K.Balasubramani
for A.Ramaswamy

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side) - R1

Mr.R.Subhuraj - R2

ORDER



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The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.49 of 2021 pending on the file of the learned Judicial Magistrate, Gingee, Villupuram District, in which cognizance was taken for the offence punishable under Sections 447, 420, 406, 434, 294(b), 506(i) of IPC.

2. The learned counsel for the petitioner submitted that he sold the property to the de facto complainant for valid consideration through the sale deed dated 03.07.2017, which is specified with four boundaries. He has no objection to the respondent/de facto complainant enjoying the property, and he has not caused any interference. He asserts that he has been falsely implicated in this case.

3. The learned counsel for the de facto complainant submitted that after the sale, the petitioner colluded with his son (A2) caused interference, thereby preventing the defacto complainant from entering the property. Hence, the complaint was filed against the petitioner.

4. When the matter was taken up yesterday (26.03.2024), the



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petitioner appeared before this Court and filed an affidavit stating that after the sale in favor of the respondent through the sale deed dated 03.07.2017, via four boundaries in respect of 15 cents, he has no further right or title over the said property. He also has no objection to the respondent enjoying the property and assured that he would not cause any interference. This affidavit is recorded.

5. However, the learned counsel for the petitioner submitted that his son, Sivaraj (A2), is the main person causing interference in the enjoyment of the property belonging to the de facto complainant. Therefore, a direction may be given to Sivaraj (A2) in C.C.No.49 of 2021.

6. In reply, the learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that they were unable to trace Sivaraj (A2).

7. On a perusal of the sale deed, it is evident that the de facto complainant purchased the property with four boundaries. As per the plan, the property is situated in the front portion of Survey No.108/171A, abutting the road. These boundaries are admitted by A1, who is the vendor of the de facto complainant.



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8. Admittedly, this property, along with another extent totally 33 cents, belongs to A1 by way of settlement. Therefore, A1 is the absolute owner of the property as per the settlement deed dated 17.12.2012. After the settlement deed, A1 sold the property to the de facto complainant with specific boundaries, in which A2 has no right or title to cause interference, based on the available documents before this Court.

9. The de facto complainant also appeared before this Court and submitted that nearly Rs.20 lakhs was paid as sale consideration. However, as on date, they have not entered the property. She is more than 45 years old, and as a woman, she has been unable to enter the property after a valuable purchase. The conduct of A2 must be restricted from causing interference in the property purchased by the de facto complainant from A1 through the sale deed. The dispute mainly concerns who is to enjoy the front portion or back portion, but the boundaries of the property clearly reveal that the de facto complainant purchased the front portion. Therefore, A2 is directed not to cause any interference until then if he obtains a valid order from a Civil Court as per the law.

10. Considering the affidavit filed by A1, this Court is inclined to



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quash the proceedings in C.C.No.49 of 2021 pending on the file of the learned Judicial Magistrate, Gingee, Villupuram District, against A1 alone.

11. Accordingly, this Criminal Original Petition is allowed and the undertaking affidavit shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

27.03.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To.

1.The Judicial Magistrate
Gingee
Villupuram District

2.The Inspector of Police
Valathy Police Station
Villupuram District

3.The Public Prosecutor
High Court of Madras
Chennai 600 104



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T.V.THAMILSELVI, J.

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