



WEB COPY



Crl.O.P.No.24802 of 2023

and

Crl.M.P.No.3384 of 2023

C.V.KARTHIKEYAN, J.

The petitioners/A1 & A2 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 406, 420 of IPC in Crime No.44 of 2023, seeks anticipatory bail.

2.Even though it may not be proper on my part to enter into a detailed discussion on the facts, particularly since, a learned Single Judge of this Court in Crl.O.P.No.3431 of 2024 seized of the issues relating to the FIR and had also granted interim stay of further investigation pending disposal of the aforementioned Criminal Original Petition, still it is required that a few outline facts are stated.

3.It is claimed by the learned Senior Counsel on behalf of the petitioners that the petitioners are owners / developers of a large tract of land. They wanted to form a layout with intention to sell to prospective



purchasers sub-divided plots. The defacto complainant and others thereafter surfaced and claimed to be land brokers and stated that they would assist the petitioners herein in selling the plots to various prospective customers on commission basis. This was initially acceded to by the petitioners but later they had taken a decision to sell the plots by themselves.

4. At that particular point of time, to ensure possession is retained by them, they had also filed O.S.No.713 of 2020 which is now pending before the II Additional District Munsif at Coimbatore. For good measure, the defacto complainant who was arrayed as the 3rd defendant independently filed yet another suit in O.S.No.507 of 2022 before the II Additional District Munsif Court, Coimbatore, claiming that he had paid a sum of Rs.1.50/- crores to the petitioners herein and therefore, he cannot be ousted from the arrangements made relating to the sale of the plots. To substantiate that particular statement, he had produced two documents namely, a lease deed and a joint venture agreement. This suit was filed on 5.11.2022. But much earlier, the defacto complainant / 3rd defendant in O.S.No.713 of 2020 had filed his written statement in that



particular suit wherein, he had stated that he had paid a sum of Rs.1/- crore to the plaintiffs / petitioners herein. Thereafter, the petitioners stated enquiring into the lease deed since according to them they had not executed any lease deed in favour of the defacto complainant and certain information had been received under the Right to Information Act.

5.Let me not examine any further on that particular aspect, since the information received will have to be tested during the course of trial either before the civil forum or if at all the learned Single Judge holds that investigation will have to proceed, during the course of trial in this FIR.

6.Be that as it may, let me keep the narration of the facts to the denial of execution of lease deed and joint venture agreement and denial of receipt of any amount from the defacto complainant, in contrast with the assertion by the defacto complainant about execution of lease deed and joint venture agreement and receipt in cash of Rs.1.50/- Crores in the house of the defacto complainant.



WEB COPY

7. One further factor which will have to be noted by this Court is that the original lease agreement and the joint venture agreement had been filed by the defacto complainant in O.S.No.507 of 2022. An application apparently has been filed by the defacto complainant / plaintiff for return of the originals.

8. A direction is issued to keep that application on hold by the learned II Additional District Munsif, Coimbatore, since if and when investigation is to be proceeded with then, the original documents would be the fulcrum of further investigation by the Investigating Agency. If at all those documents are required by the Investigating Agency, the Investigating Officer can directly file an application and seek necessary orders from the learned II Additional District Munsif, Coimbatore, but let not the documents be handed over to either the plaintiffs or the defendants in that particular suit and let it be retained in the Court records by the learned II Additional District Munsif, Coimbatore.



WEB COPY

9.Observing as above, giving liberty to the petitioners to file anticipatory bail petition if need arises on disposal of Crl.O.P.No.3431 of 2024, at the present, without entering into the merits of the contentions raised by the learned Senior Counsel for the petitioners or by the learned counsel for the defacto complainant, this Criminal Original Petition stands dismissed. Consequently, connected Criminal Miscellaneous Petition stands closed.

26.02.2024

smv



WEB COPY



C.V.KARTHIKEYAN, J.

smv

Crl.O.P.No.24802 of 2023

26.02.2024