



*Crl.O.P.(MD)No.3404 of 2023*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**Crl.O.P.(MD)No.3404 of 2023**

**and**

**Crl.M.P.(MD)No.3092 of 2023**

S.Rathinam

... Petitioner/A2

VS.

1.The State Represented by  
The Inspector of Police,  
B3, Teppakulam Police Station (Crime),  
Teppakulam,  
Madurai District.  
Crime No.576 of 2023

... 1<sup>st</sup> Respondent/Complainant

2.Jaheer Hussain

... 2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer:-** Petition filed under Section 482 of Cr.P.C., to call for the records on the file of the learned Judicial Magistrate Court No.1, Madurai, in C.C.No.160 of 2011 which is registered against the petitioner and quash the same as illegal.

For Petitioner : Mr.S.Ramanathan

For R1 : Mr.A.Albert James  
Government Advocate (Crl. side)



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## **ORDER**

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The Criminal Original Petition is filed with a prayer to call for the records on the file of the learned Judicial Magistrate Court No.1, Madurai, in C.C.No.160 of 2011.

2.The allegation against the petitioner/accused in the said case is that when they sold the property to the defacto complainant, Jaheer Hussain, subsequently, in respect of the very same property, the third accused executed a settlement deed in favour of the family members and thus, cheated the defacto complainant and hence, the charges under Sections 120B and 420 of Indian Penal Code.

3.The learned counsel for the petitioner would submit that simultaneously the matter was also pending in the civil Court. The accused persons, Muthulakshmi and two others had filed O.S.No.156 of 2011 with a prayer directing that the sale deed dated 25.04.2007 bearing document No.3860 of 2007 in favour of the defacto complainant and the sale deed dated 27.07.2007 bearing document No.6843 of 2007 in favour of the defacto complainant, be set aside and cancelled. The suit was contested by the defacto complainant, Jaheer Hussain and one Dakshinamoorthy who



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were arrayed as the defendants. After a detailed trial by a Judgment and Decree dated 14.03.2017 in O.S.No.156 of 2011, the learned Principal District Judge, Madurai was pleased to decree the suit as prayed for. Thus, when the decree had become final, when the Court set aside the sale deed, it will date back to the original date of execution of the sale itself and as such, the settlement deed which is said to have been executed in the year 2008 cannot be held to be a second transaction as of today.

4.In view thereof, no useful purpose will be served by proceeding with the said C.C.No.160 of 2011 on file and in view of the subsequent authoritative pronouncement of the Civil Court, which has become final, the matter has to be quashed.

5.Accordingly, the Criminal Original Petition stands allowed and the case in C.C.No.160 of 2011 on the file of the learned Judicial Magistrate Court No.1, Madurai shall stand quashed. Consequently, connected miscellaneous petition is closed.

**01.10.2024**

NCC : Yes / No  
sji

**Note: Issue order copy on 03.10.2024.**

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**D.BHARATHA CHAKRAVARTHY, J.**

sjj

To

- 1.The Judicial Magistrate Court No.1, Madurai
- 2.The Inspector of Police,  
B3, Teppakulam Police Station (Crime),  
Teppakulam,  
Madurai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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