



CRL OP(MD)No.5232 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07.03.2024

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.5232 of 2021

and

CRL.M.P(MD)Nos.3018 of 2021 and 8330 of 2022

1.Balamuruganantham

2.Vetrivel Kannan

... Petitioners

Vs

1.State Rep.by

The Inspector of Police,
Nagamalai Pudhukottai Police Station,
Madurai District.
(Crime No.299 of 2012)

2.Gunasekaran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the charge sheet in C.C.No.520 of 2016 on the file of the Judicial Magistrate No.VI, Madurai and to quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.Niranjan S.Kumar

For R1 : Mr.M.Sakthi Kumar
Government Advocate(crl.side)



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For R2 : No appearance

ORDER

Seeking to quash the final report in C.C.No.520 of 2016 on the file of the learned Judicial Magistrate No.VI, Madurai, the present petition is filed by the petitioners/accused Nos.3 and 4.

2. The case of the prosecution, in a nutshell, is as follows:-

The first accused executed a registered Power of Attorney in respect of a land in Survey Nos.45/4 and 45/7 of Achampathu Village, Madurai, in favour of the defacto complainant on 01.04.2003, based on which, the defacto complainant executed a sale deed in favour of one M.Ramachandran for a total sale consideration of Rs.1,72,000/- through a registered sale deed, dated 11.09.2007. The first accused, suppressing the Power of Attorney executed in favour of defacto complainant, had executed a settlement deed in favour of the present petitioners (accused Nos.3 and 4) through a registered settlement deed, dated 19.04.2010, in respect of the very same property. The contention of the defacto complainant is that he received a sale consideration of Rs.1,72,000/-



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from the purchaser Ramachandran and liquidated the loan obtained by the first accused. However, the first accused had executed a gift settlement deed in favour of his own brother namely 3 and 4th accused. His specific contention is that when he along with the purchaser Ramachandran went to the land, all the accused conspired with each other and threatened the defacto complainant and the purchaser with dire consequences. Based on the complaint given by the defacto complainant, the FIR in Crime No.299 of 2012 was registered by Special Sub Inspector of Police, Nagamalai Pudhukottai Police Station, Madurai District for the offences punishable under Sections 120(b), 468, 471, 420 and 506(i) of IPC and the Inspector of Police after concluding investigation laid a final report in C.C.No.520 of 2016 against all the accused for the aforesaid offences.

3. Mr.Niranjan S.Kumar, learned counsel for the petitioners would contend that the dispute between the parties is purely civil in nature and that the police had filed a final report against the petitioners for the alleged offences punishable under Sections 120(b), 468, 471, 420 and 506(i) of IPC. According to him, the present petitioners had never



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created or falsified any documents as alleged by the prosecution.

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4. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate(crl.side) appearing for the first respondent would contend that the police after conducting proper investigation had laid a final report before the learned Judicial Magistrate No.VI, Madurai and there is no good ground to quash the entire case.

5. No representation on behalf of the second respondent/defacto complainant.

6. The dispute between the parties is with regard to a sale deed executed by the defacto complainant in favour of one Ramachandran based on the Power of Attorney executed by the first accused. The first accused suppressing the said Power of Attorney had executed a settlement deed in favour of the petitioners (accused 3 and 4). The petitioners have not created or falsify any document as alleged by the prosecution to attract the provisions of the offence under Sections 120(b), 468, 471, 420 and 506(i) of IPC. Neither the first accused nor



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the defacto complainant had filed a civil suit for setting aside the sale deed or the gift settlement deed. The defacto complainant on the contrary had lodged a criminal complaint against the present petitioners stating that they had created/fabricated the documents and also threatened him with dire consequences. The defacto complainant had not specifically stated that on account of threat made by the present petitioners, he was put on imminent danger. It is settled law that empty threats without intention of causing death or grievous hurt, would not attract the provision of the offence under Section 506(i) IPC.

7. In the circumstances, the final report in C.C.No.520 of 2016 on the file of the learned Judicial Magistrate No.VI, Madurai is quashed against the present petitioners alone, who are accused 3 and 4. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

07.03.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
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- 1.The Judicial Magistrate No.VI, Madurai
- 2.The Inspector of Police,
Nagamalai Pudhukottai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA,J.

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