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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Fifth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) Nos.3942 & 3946 of 2024
IN
CRL OP(MD) No.23600 of 2023

V.MEENAKSHI

... PETITIONER/PETITIONER/ ACCUSED No.1
in BOTH THE PETITIONS
Vs

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI.
CRIME NO. 21 OF 2023 (20.12.2023)

... 1st RESPONDENT/RESPONDENT/RESPONDENT
in BOTH THE PETITIONS

2 J.MATHUKANNAN

... 2nd RESPONDENT/INTERVENER/
DEFACTO COMPLAINANT
in BOTH THE PETITIONS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition imposed on petitioner in Paragraph No.7(c) of the order dated 31.01.2024 passed in CrI O.P (MD) No. 23600 of 2023 and pass suitable directions taking into consideration the facts and circumstances of the present case.

Prayer in CRL MP(MD). 3946/ 2024 :

To pass an order of extension, to grant a further time of 2 weeks for executing sureties as per the order dated 31.01.2024 made in CrI O.P (MD) No. 23600 of 2023 on the file of the Honble High court.



Order : These Criminal Miscellaneous Petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.V.KATHIRVELU, Senior counsel for Mr.B.ARVIND SREVATSA, Advocate for the petitioner in both the petitions and of Mr.P.KOTTAICHAMY, Government Advocate(Crl.side) on behalf of the 1st Respondent in both the petitions and Mr.J.JOHN, Advocate for the 2nd respondent in both the petitions, the Court made the following order:-

Crl.M.P.(MD)No.3942 of 2024 has been filed to modify the condition imposed by this Court dated 31.01.2024 in Crl.O.P.(MD)No.23600 of 2023 directing the petitioner to cancel the deed dated 18.02.2005.

2.Crl.M.P.(MD)No.3946 of 2024 has been filed to extend further time for executing the sureties in Crl.O.P.(MD)No.23600 of 2023 dated 31.01.2024.

3.The learned Senior Counsel submits that the petitioner is the bona fide purchaser and she purchased the property by a registered sale deed dated 18.02.2005 from A2 and A3. He further submits that the whereabouts of A2 and A3 are not known and without the executant, the Registrar is not cancelling the document dated 18.02.2005 and therefore, she is not in a position to cancel the document. He further submits that the petitioner herself filed a suit before the Sub Court, Sivagangi in O.S.No.125 of 2024 to declare the deed dated 18.02.2005 as null and void.



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4.The learned counsel for the defacto complainant has raised serious objections that the petitioner is still retaining possession of the property.

5.In reply, the learned Senior counsel submits that she is not in possession and she is ready to hand over the same to the defacto complainant today itself.

6.Considering that the deed cannot be cancelled without the presence of the accused, who has executed the document and the steps taken by the petitioner in filing the suit to declare the document as null and void, the condition imposed by this Court, dated 31.01.2024 in Clause (c) is modified to the effect that the Sub Court, Sivagangai is directed to conclude the trial in O.S.No.125 of 2024 as expeditiously as possible. The time for execution of sureties is extended by ten days from the date of receipt of a copy of this order.

7.Accordingly, these Criminal Miscellaneous Petitions are ordered.

sd/-
05/06/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
To

1.The Judicial Magistrate No.II,
Sivagangai.



2. Do through the Chief Judicial Magistrate,
Sivagangai District.

3. The Inspector of Police,
District Crime Branch,
Sivagangai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-6183[I] dated 06/06/2024)

ORDER
IN
CRL MP(MD) Nos.3942 & 3946 of 2024
IN
CRL OP(MD) No.23600 of 2023
Date :05/06/2024

SS/VR/SAR- /14/06/2024/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023