



CRL OP(MD)No.15603 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 08.03.2024

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.15603 of 2021
and
CRL.M.P(MD)No.8353 of 2021

1.Venkatraman

2.Kohila

3.Parthiban

... Petitioners

Vs

1.The State Rep by
The Inspector of Police,
District Crime Branch,
Dindigul.

2.Gokulakrishnan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the Charge Sheet in C.C.No.114 of 2019 dated 14.08.2019, on the file of the Judicial Magistrate No.II, Dindigul and quash the same as illegal insofar as the petitioners are concerned.



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For Petitioner : Mr.G.Sivaraja
For R1 : Mr.K.Sanjai Gandhi
Government Advocate(crl.side)
For R2 : No appearance

ORDER

Seeking to quash the final report in C.C.No.114 of 2019, on the file of the learned Judicial Magistrate No.II, Dindigul, the present petition is filed by the petitioners/accused 2 to 4.

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

The properties in Survey Nos.88, 89/1, 89/2, 89/3 of Sullerumbu Village, Vedansnathur Taluk, Dindigul District belong to one Arumugam, the father of the defacto complainant. He purchased the said properties through a registered sale deed dated 29.09.1997. After the death of the said Arumugam, the defacto complaint (his son) inherited the property and subsequently developed the same as house-sites. He sold the house-sites to various persons after retaining some of the plots. While so, the accused 2 to 4 executed a sale deed in respect of the plots



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retained by him in Survey No.89/3 measuring 5617 sq.ft. Based on the complaint given by the defacto complainant, FIR in Crime No.2 of 2019 was registered by the Sub Inspector of Police, District Crime Branch, Dindigul, against all the accused for the offences punishable under Sections 420, 465, 468, 471 and 120(B) of IPC. After concluding the investigation, the Inspector of Police laid a final report in C.C.No.114 of 2019 before the learned Judicial Magistrate No.II, Dindigul, for the aforesaid offences.

3.Mr.G.Sivaraja, learned counsel for the petitioners would contend that the petitioners/accused 2 to 4 were under wrong impression that they are the owners of 5,617 sq. ft. of land in Survey No.89/3 and executed a sale deed in favour of A1. Only after registration of FIR on the basis of the complaint of the defacto complainant, they realized the mistake committed by them and therefore, they cancelled the said sale deed vide cancellation deed dated 04.03.2019. The respondent police without taking this aspect into consideration, had filed a final report against the present petitioners and he therefore prayed to quash the final report. He also drew attention of this Court to the orders passed by this Court in



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Crl.O.P(MD) No.8687 of 2021, dated 07.10.2021 and Crl.O.P(MD) No. 19956 of 2022 dated 06.12.2023 and contended that the final report filed against A1 & A5 was quashed by this Court.

4. Per contra, Mr.K.Sanjai Gandhi, 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.II, Dindigul and there is no good ground to quash the entire case.

5. No representation for the second respondent.

6. It is seen from the orders that subsequent to the filing of the FIR, there was a compromise between the defacto complainant and all the accused, consequent upon which, the sale deed executed by A2 to A4 in favour of A1 was cancelled vide cancellation deed dated 04.03.2019. A perusal of the cancellation deed shows that the accused 2 to 4 had mistakenly sold the property in favour of the first accused. The Inspector of Police, without noticing the subsequent development, had filed a final



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report. In any event, there is no fabrication of documents or forgery to attract the provisions of offences under Sections 465, 468, 471 and 120(B) of IPC. The cancellation deed dated 04.03.2019 also goes to show that present petitioners did not have any intention of deceiving the defacto complainant.

7. In the circumstances, the final report in C.C.No.114 of 2019 on the file of the learned Judicial Magistrate No.II, Dindigul is quashed against the present petitioners alone. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Index :Yes/No
Internet :Yes/No
NCC :Yes/No

To

- 1.The Judicial Magistrate No.II, Dindigul
- 2.The Inspector of Police,
District Crime Branch,
Dindigul.



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R.HEMALATHA,J.

cp

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

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