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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P(MD)No.18094 of 2022
and
Crl.M.P(MD)No.12082 of 2022

Saravanakumar

... Petitioner

Vs

1. The Inspector of Police,
Anti Land Grabbing (Special Cell),
Virudhunagar District.

2. B.Radhakrishnan

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No.10 of 2013 on the file of the Judicial Magistrate Court No.II, Virudhunagar and to quash the same.

For Petitioner	: Mr.Prakash Y,
For R1	: Mr.A.Albert James Government Advocate (Crl.Side)
For R2	: Mr.T.Thevan



ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.10 of 2013 on the file of the Judicial Magistrate Court No.II, Virudhunagar.

2.The second respondent gave a complaint stating that the land in S.No.772/1 measures total extent of 90 1/4 cents and this was purchased by the brother of the second respondent through a registered sale deed dated 20.01.1989. After his demise, the second respondent inherited the property. The further case of the second respondent is that the father of A1 and A2 purchased an extent of 180 1/2 cents of land in the same survey number out of 2 acres and 71 cents along with other extents of property in S.No.772/2. While so, A1 and A2 conspired with A3 and sold the entire extent of 2 acres and 71 cents of land in S.No.772/1 in favour of A3 through a sale deed, dated 10.01.2001. Thus, the extent of 90 1/4 cents that belongs to the second respondent was also added and the entire extent was sold. Thereafter, the property was sold by A3 to A4 through a registered sale deed, dated 06.11.2022. Thus, it was alleged that the accused persons have conspired together and have grabbed the property belonging to the second respondent.



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Based on this complaint, an FIR came to be registered in Crime No.22 of

2012.

3.On completion of investigation, the police report has been filed before the learned Judicial Magistrate No.II, Virudhunagar, for the alleged offence under Section 120B, 465, 468 and 471 IPC against four accused persons and the Court below has taken cognizance of the same and taken the same on file in C.C.No.10 of 2013 and issued process to the accused persons. Aggrieved by the same, the petitioner, who is A4 has filed the present quash petition before this Court.

4.Heard the learned Counsel appearing on either side.

5.The main issue that was raised by the learned Counsel for the petitioner is that the second respondent was claiming right over the property, which was purchased by the petitioner and was attempting to interfere with the same. Hence, the petitioner filed a suit in O.S.No.56 of 2019 on the file of the District Munsif Court, Rajapalayam against the second respondent and his brother, namely, Amirthalingam. In this suit, the second respondent filed a counter claim seeking for the relief of declaration



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and permanent injunction. The subject matter of the suit is the property in S.No.772/1. The trial Court on considering the facts and circumstances of the case and on appreciation of evidence, by judgment dated 29.04.2022 decreed the suit filed by the petitioner and dismissed the counter claim filed by the second respondent along with his brother. It was therefore contended that this judgment of the trial court which has become final makes it clear that there was no attempt made by the petitioner to grab the property from the second respondent.

6.This Court finds a lot of force in the above submission made by the learned Counsel appearing for the petitioner. The right that is claimed by the second respondent over the property has now been decided by a competent civil Court and the right of the petitioner over the property has also been confirmed and the title claimed by the second respondent has been rejected. In view of the same, there is no question of making the petitioner under go the ordeal of trial before the criminal court since the petitioner has been held to be the owner of the property. In view of the same, the continuation of the proceedings will only result in abuse of process of law.

7.In the light of the above discussion, the proceedings in C.C.No.10



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and 2013 pending on the file of the learned Judicial Magistrate No.II,

Virudhunagar, is quashed insofar as the petitioner is concerned.

Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

11.12.2024

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

To

1. The Judicial Magistrate Court No.II,
Virudhunagar.

2 The Inspector of Police,
Anti Land Grabbing (Special Cell),
Virudhunagar District.

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



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N.ANAND VENKATESH, J.

LR

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