



Crl.O.P.(MD) No.19674 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.19674 of 2021

and

Crl.M.P.(MD) Nos.11022 & 11024 of 2021

Ilango

... Petitioner

Vs.

1.The State represented by
Inspector of Police,
District Crime Branch (DCB),
Madurai District.
(Cr. No.23 of 2011)

2.Muthuramalingam

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records in C.C.No.209 of 2013 on the file of the Judicial Magistrate Court No.I, Madurai and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.S.Abubackersidhic

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For R2 : Mr.T.Vadivelan



Crl.O.P.(MD) No.19674 of 2021

ORDER

WEB COPY Seeking to quash the final report in C.C.No.209 of 2013 on the file of the Judicial Magistrate Court No.I, Madurai, the present Criminal Original Petition is filed.

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

(i) The property in Survey No.7/1 of Perumanenthel Village, Madurai District, measuring 2 Acres was in possession of one Angusamy. He was given an assignment patta by the Government of Tamil Nadu. However, under the land development scheme, the patta was wrongly issued to one P.Natarajan (A1). Therefore, Angusamy's son gave a complaint before the revenue officials and after enquiry, patta issued in favour of the said P.Natarajan (A1) was cancelled *vide* Proceedings of District Revenue Officer, Madurai in No.1498/2009 dated 06.10.2009. Subsequently, based on the orders passed by the District Revenue Officer, Madurai, patta was issued by the Revenue Divisional Officer in favour of Muthu, S/o.Angusamy as in the meanwhile Angusamy died. According to the prosecution, Muthu executed a Power of Attorney in respect of the property in Survey No.7/1 of Perumanenthel Village, Madurai District in favour of the *de facto* complainant on 03.02.2009.



WEB COPY



Crl.O.P.(MD) No.19674 of 2021

(ii) However, P.Natarajan (A1) executed a power of attorney in favour of A3 in respect of the very same property though he knew that patta which was granted to him on an earlier occasion was cancelled by the Revenue Department on 06.10.2009. A3 sold the property in favour of A2 who in turn sold to the said A4. Thereafter, A4 executed a power of attorney in favour of the present petitioner (A5).

(iii) Based on the complaint given by the *de facto* complainant, FIR in Crime No.23/2011 came to be registered by the Special Sub-Inspector of Police, District Crime Branch, Madurai against all the accused for the offences punishable under Sections 120(b), 420, 423, 465, 468 & 471 of IPC. The Inspector of Police after concluding investigation laid a final report in C.C.No.209 of 2013 before the Judicial Magistrate Court No.I, Madurai against all the accused for the offences punishable under Sections 120(B), 465, 468, 471 & 420 of IPC.

3. Mr.S.Abubackersidhic, learned counsel for the petitioner would contend that the *de facto* complainant had no *locus standi* to lodge a criminal complaint against the petitioner and the other accused on the



Crl.O.P.(MD) No.19674 of 2021

basis of an unregistered Power of Attorney alleged to have been executed by Muthu. The original owner of the property is P.Natarajan and he has executed a power of attorney in favour of A3. A3 sold the property to A2 who in turn sold it to A4. The present petitioner (A5) is only a power agent of A4 and therefore, he cannot be charged for the offences punishable under Sections 120(B), 465, 468, 471 & 420 of IPC. He therefore prayed for quashing the final report in C.C.No.209 of 2013 on the file of the Judicial Magistrate Court No.I, Madurai as against the present petitioner (A5).

4. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side) appearing for the first respondent police would contend that the police after conducting proper investigation laid the final report and therefore, there is no valid reason to quash the same. His specific contention is that the present petitioner (A5) is not only the power agent of A4 but also purchased the property from A4 through an unregistered sale deed even though he knew that the property did not belong to the fourth accused and his vendors A1 to A3. He therefore prayed for dismissal of the present Criminal Original Petition.



Crl.O.P.(MD) No.19674 of 2021

WEB COPY

5. A perusal of the records shows that the property in Survey No.7/1 of Perumanenthel Village, Madurai District, measuring 2 Acres was in possession of one Angusamy and an assignment patta was also given to him by the Government of Tamil Nadu. Since patta was wrongly issued in favour of P.Natajaran (A1) under UDR scheme, Muthu, son of Angusamy filed a complaint before the District Revenue Officer, Madurai. The District Revenue Officer, after conducting an elaborate enquiry passed orders dated 06.10.2009 directing the officials to change the patta in respect of the land in Survey No.7/1 of Perumanenthel Village, Madurai District in favour of the Angusamy's son Muthu since Angusamy by that time died. However, the said P.Natarajan did not file any appeal against the said order of the District Revenue Officer.

6. Subsequently, P.Natarajan executed a power of attorney in favour of A3 in respect of the very same property even though he knew that the patta which stood in his name was cancelled by the District Revenue Officer. A3 in turn had sold the same to A2. Subsequently, A2 had also sold the property to A4. The present petitioner (A5) had purchased the property from A4 through an unregistered sale deed. These transactions



Crl.O.P.(MD) No.19674 of 2021

would clearly go to show that even without any proper title deeds, all the accused had conspired with each other and had encumbered the property.

The *de facto* complainant is the power agent of Muthu. A perusal of the statements of witnesses recorded by the police under Section 161(3) of Cr.P.C. and other documents *prima facie* shows the commission of offences by all the accused including the present petitioner (A5). One can easily presume from the fact that the present petitioner (A5) purchased the property through an unregistered sale deed, he was in know of the fact that the property does not belong to his vendors. Therefore, I do not see any reason to quash the final report.

7. Accordingly, this Criminal Original Petition is dismissed.
Consequently, connected Miscellaneous Petitions are closed.

18.03.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
JEN

Copy To:

1.The Judicial Magistrate No.I,
Madurai, Madurai District.



Crl.O.P.(MD) No.19674 of 2021

- 2.The Inspector of Police,
District Crime Branch (DCB),
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.19674 of 2021

R.HEMALATHA, J.

JEN

Crl.O.P.(MD) No.19674 of 2021
and
Crl.M.P.(MD) Nos.11022 & 11024 of 2021

18.03.2024