



Crl.O.P.(MD)No.22476 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.22476 of 2022
and Crl.M.P(MD).No.15879 of 2022

- 1.Palaniammal
 - 2.Revathi
 - 3.Sumathi
 - 4.V.Rajendran
 - 5.Meena @ Pandi Meena
 - 6.Murugan
 - 7.Sundarrajan
 - 8.Panja @ Panjavarnam
 - 9.Velu @ Velmurugan
 - 10.Iyyappan
- ... Petitioners/Accused Nos.2 to 11

Vs.

- 1.The State rep.by
The Inspector of Police,
Taluk Police Station,
Aruppukottai,
Virudhunagar District.
In Crime No.139 of 2022.

- 2.Nagaperumal
- ...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.139 of 2022 on the file of the first respondent Police and quash the same insofar as the petitioners/accused No.2 to 11 are concerned.



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For petitioners : Mr.R.Rajamohan
For R1 : Mr.S.Manikandan
Government Advocate (Crl.side)
For R2 : Mr.M.Musthafakhan

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.139 of 2022 pending on the file of the first respondent Police insofar as the petitioners are concerned.

2. The case of the prosecution is that on 21.12.2018, the defacto complainant and A1 had entered into a sale agreement for the land belonging to A1 for a sum of Rs.4,76,000/- and initially, he had paid a sum of Rs.3,80,000/- as advance and thereafter, on 30.12.2021, a sum of Rs.96,000/- was paid. After receiving the entire sale consideration, A1 refused to register the land and when the defacto complainant demanded to register the land, A1 abused him in filthy language and attacked him. On 24.09.2022, A1 and the other accused persons came to the house of the defacto complainant and abused him and his family members. Hence, the defacto complainant has made a complaint before the first respondent



Police, based on which, a case in Crime No.139 of 2022 was registered for the offence punishable under Sections 147, 148, 294(b), 451, 323, 355 and 506(1) IPC.

3. The learned counsel appearing for the petitioners submits that during the pendency of this petition, the entire sale consideration of Rs.4,76,000/- given by the defacto complainant to the first accused has been paid in favour of the defacto complainant by way of a Demand Draft bearing No.962578475 by the petitioners herein and the proof of the same has been produced before this Court and the Demand Draft was handed over to the defacto complainant. Hence, he prays for quashing of the First Information Report in respect of the petitioners herein.

4. The learned counsel appearing for the second respondent/defacto complainant submits that the defacto complainant has received the Demand Draft for a sum of Rs.4,76,000/- from the petitioners and he has no objection for quashing of FIR in respect of the petitioners. He further submits that the defacto complainant will not intervene with the peaceful possession and enjoyment of the subject property.



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5. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.side) appearing for the first respondent Police and the learned counsel appearing for the second respondent and perused the materials available on record.

6. Since the entire sale consideration of Rs.4,76,000/- has been paid in favour of the defacto complainant by the petitioners herein by way of Demand Draft and the defacto complainant has also received the same in the open Court, he has no objection for quashing of First Information Report in Crime No.139 of 2022 in respect of the petitioners herein.

7. In the result, this Criminal Original Petition is allowed and the First Information Report in Crime No.139 of 2022 on the file of the first respondent Police is quashed in respect of the petitioners herein. Connected miscellaneous petition is closed.

27.03.2024

Index : Yes/No
Internet : Yes/No
ssb



Cr1.O.P.(MD)No.22476 of 2022

To

- 1.The Inspector of Police,
Taluk Police Station,
Aruppukottai,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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