



CRL MP(MD) No.12244 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP(MD) NO. 12244 of 2024

IN

CRL OP(MD) NO. 19861 OF 2024

Kamalarasan
S/o.Arjunan,
13B Vivekananthar Street,
Velipattinam,
Ramanathapuram District.

Petitioner(s)

Vs

State of TamilNadu Rep by
The Inspector of Police,
District Crime Branch,
In Crime No.,13/2023,
Ramanathapuram District and one other

Respondent(s)

For Petitioner(s):

Mr.M.Subash Babu
Senior Counsel
for M/s.Subash Law Office

For Respondent(s):

Mr.A.Thiruvadi Kumar
Additional Public Prosecutor for R1



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ORDER

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Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice for the first respondent.

2. Notice to the second respondent returnable by 03.02.2025. Private notice is also permitted.

3. The petitioner / Accused, who is facing trial in C.C.No.355 of 2024, on the file of the Judicial Magistrate Court No.II, Ramanathapuram, for the offences under Sections 406 and 420 of the I.P.C., has filed the quash application.

4. The learned Senior Counsel appearing for the petitioner contends that initially, the petitioner entered into a sale agreement with one Sathiyapriya (de-fatco complainant) for the sale of property along with a prawn farm, for a consideration of Rs.62,50,000/-. The petitioner received an advance of Rs.37,00,000/-, and subsequently, received additional payments of Rs.7,00,000/-, Rs.6,00,000/-, and Rs.12,50,000/-, totaling Rs.62,50,000/-. However, the petitioner failed to execute the sale deed immediately. Hence, Sathiyapriya lodged a complaint, and a case was registered in Crime No.13 of 2023 on 21.08.2023. The petitioner was arrested in this case but was later granted bail. While on bail, the petitioner appeared before the Sub Registrar's Office on 15.11.2023, executed the sale deed, and the same was registered as Document No. 2853 of 2023. This was acknowledged and accepted by



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Sathiyapriya. In view of the above, the learned Senior Counsel contends that nothing remains in the case.

5. The learned Senior Counsel further submitted that the broker, Sathiyenthiran, involved in the sale, lodged a complaint alleging that an additional sum of Rs.20,00,000/- was due to be paid. However, he contends that the respondent Police, without any substantial evidence, solely proceeded based on Sathiyenthiran's statement (L.W.3) and filed a charge sheet. The learned Senior Counsel therefore prayed for the quashing of the charge sheet.

6. The learned Additional Public Prosecutor submitted that the case was registered based on the complaint of Sathiyapriya, and the petitioner was arrested following the registration of the case. After the arrest, the petitioner executed the sale deed. The payments made by Sathiyapriya to the petitioner at various stages have been confirmed both by her oral statements and bank records. Initially, the petitioner refused to execute the sale deed, but later complied. The de-facto complainant's husband also confirmed these facts. Accordingly, the case was registered, and during the investigation, the statements of L.W.1 to L.W.15 were recorded, and a charge sheet was filed. The learned Additional Public Prosecutor also fairly acknowledged that there is a dispute between Sathiyenthiran and the petitioner.

7. Finding force in the above said submissions, there shall be an order of interim



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stay of all further proceedings in C.C.No.355 of 2024, on the file of the Judicial

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Magistrate Court No.II, Ramanathapuram.

sd/-

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/ 12 / 2024

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

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To

1.THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.

2. DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.SUBASH LAW OFFICE, Advocate (SR-15817[I] dated 20/12/2024)



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IN
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Date :19/12/2024

PSP/ VR /SAR /27.12.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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