



Crl.R.C.No.503 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.503 of 2023

and

Crl.M.P.No.3857 of 2023

Babu

... Petitioner

..VS..

1. The State Rep.by
Inspector of Police,
Central Crime Branch, Team XXI,
Vepery, Chennai – 600 007,
Crime No.547 of 2007.

2. S.Emmanuvel
(R2 impleaded as per order dated 28.06.2023
in Crl.M.P.No.8973 of 2023 in Crl.R.C.No.503 of 2023]

... Respondents

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C., to call for the records relating to the order dated 24.11.2022 passed by the learned Metropolitan Magistrate (Special Court for Land Grabbing Cases No.1), Egmore at Allikulam, Chennai in Crl.M.P.No.318 of 2022 in C.C.No.8 of 2013 and set aside the same as against the petitioner.



Crl.R.C.No.503 of 2023

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For Petitioner : Mr.S.Anil Sandeep

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor for R1
No appearance for R2

ORDER

Challenging the order dated 24.11.2022 passed by the learned Metropolitan Magistrate (Special Court for Land Grabbing Cases No.1), Egmore at Allikulam, Chennai in Crl.M.P.No.318 of 2022 in C.C.No.8 of 2013, the present revision petition is filed by the petitioner.

2. The brief facts that led to filing of this revision petition is briefly stated hereunder :

A1-Geethi Roshini had executed a Power of Attorney Deed in favour of one Kamaladevi, *vide* registered Document No.851/2003 dated 14.07.2003 on the file of the Sub Registrar Office, South Chennai, in respect of her property situated at Mogappair, Chennai; that by receiving a sum of Rs.6.50 lakhs, A1 executed a sale receipt and also handed over the original title deeds of the property to the said Kamaladevi; that on



Crl.R.C.No.503 of 2023

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02.12.2003, A1 cancelled the said Power of Attorney; that subsequent to the cancellation of Power of Attorney, on 08.04.2005 the said Kamaladevi sold the property to the *de-facto* complainant, *vide* sale deed dated 08.04.2005 registered as Document No.1880/2005 on the file of the Sub Registrar Office, Konnur, Chennai; and subsequent to the said sale, A1 conspiring with petitioner-A2, had entered into an agreement of sale with the petitioner-A2 in respect of the same property and also sold the property to the petitioner. Therefore, the *de-facto* complainant filed the present complaint, which came to be registered as FIR in Crime No.547 of 2007. On completion of investigation, the respondent-Police filed a charge sheet in C.C.No.8 of 2013 on the file of the Metropolitan Magistrate Court (Special Court for Land Grabbing Cases No.1), Egmore at Allikulam, Chennai. The petitioner, who has been arrayed as A2 in C.C.No.8 of 2013 on the file of the Metropolitan Magistrate Court (Special Court for Land Grabbing Cases No.1), Egmore at Allikulam, Chennai, was charge-sheeted for the offences under Sections 418 read with 109 and 448 IPC. Though the allegations against the petitioner have no basis, he has filed a petition under Section 239 Cr.P.C., in Crl.M.P.No.318 of 2022 in C.C.No.8 of 2013 praying to discharge him



Crl.R.C.No.503 of 2023

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from the complaint in C.C.No.8 of 2013. However, the trial Court, *vide* order dated 24.11.2022 dismissed the petition, and as against the impugned order, the present petition is filed by the petitioner-A2.

3. Learned counsel for the petitioner submitted that the petitioner-A2 is the subsequent purchaser and he is no way connected with the alleged offences and he has been falsely implicated in the complaint. He further submitted that no *prima facie* case is made out against the petitioner, as the list of witnesses have not spoken about the involvement of the petitioner in the alleged offences, and also no incriminating materials are available against the petitioner to implicate him as an accused. He further submitted that while recording the statement of list of witnesses under Section 161 Cr.P.C., they have clearly stated that A1 fraudulently attempting to sell the property in favour of the petitioner for valuable consideration of Rs.21 lakhs through sale agreement dated 10.12.2007. He further submitted that there is an order passed by the competent Civil Court in O.S.No.105 of 2008, declaring that the sale deed dated 08.04.2005 registered as Document No.1880 of 2005 as null and void and therefore, the *de-facto* complainant-S.Emmanuvel and the



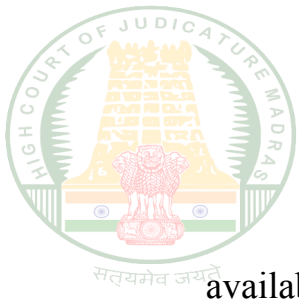
Crl.R.C.No.503 of 2023

WEB COPY

said Kamaladevi has no right in the said property. The petitioner has not committed any offences, except purchasing the property from his vendor. Therefore, the allegations against the petitioner are without any basis and the same are illegal. Hence, the petitioner filed a discharge petition in Crl.M.P.No.318 of 2022 in C.C.No.8 of 2013, however, the trial Court failed to consider the materials and also the submissions of the petitioner and dismissed the petition, *vide* impugned order dated 24.11.2022 and also framed the charges against the petitioner-A2.

4. When the matter was taken up for hearing on 12.02.2025, this Court directed the learned Additional Public Prosecutor appearing for the first respondent-Police to submit particulars regarding the involvement of the petitioner in the alleged commission of offences.

5. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the first respondent-Police submitted that except one witness, all the other witnesses have stated that the petitioner has purchased the property from his vendor i.e., A1, for a valuable consideration of Rs.21 lakhs and there were no material



Crl.R.C.No.503 of 2023

WEB COPY

available to show that the petitioner involved in the alleged commission of offences.

6. Heard both sides and perused the materials available on record.

7. Admittedly, the petitioner, who has been arrayed as A2, was charge-sheeted for the offences under Sections 418 read with 109 and 448 IPC in C.C.No.8 of 2013. However, on a perusal of the records, it is seen that none of the prosecution witnesses, was able to clearly state about the involvement of the petitioner in the alleged commission of offences. However, the fact remains that the petitioner-A2, has purchased the property in question from A1(Geethi Roshini) for a valuable sale consideration of Rs.21 lakhs. If any party is aggrieved by the said sale, it is for them to agitate the matter before the competent Civil Court regarding the validity of the sale deed in respect of the petitioner. Since there were no materials to show that the petitioner was aware of the fact that his vendor i.e., A1 has no legal title to sell the property and had purchased the property conspiring with her Power Agent in order to aid A1.



Crl.R.C.No.503 of 2023

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8. Considering the facts and circumstances, this Court is of view that no *prima-facie* materials are available against the petitioner to proceed with the case further. Hence, the order dated 24.11.2022 passed by the learned Metropolitan Magistrate (Special Court for Land Grabbing Cases No.1), Egmore at Allikulam, Chennai, in Crl.M.P.No.318 of 2022 is hereby set aside and the petitioner-A2 is discharged from the case in C.C.No.8 of 2013.

9. In that view, this Criminal Revision Petition is allowed. Consequently, connected miscellaneous petition is closed.

10. However, the trial Court shall proceed with the case in C.C.No.8 of 2013 as against other accused (A1) and dispose of the case on merits and in accordance with law, as early as possible.

11. As far as this petitioner-A2, is concerned the de-facto complainant is at liberty to work out his remedy before the competent Civil Court, by challenging the sale deed, as the vendor of the petitioner



Crl.R.C.No.503 of 2023

has no legal title to convey the property to the petitioner.

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14.02.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes / No
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To

1. The Metropolitan Magistrate,
(Special Court for Land Grabbing Cases No.1),
Egmore at Allikulam, Chennai.

2. The Inspector of Police,
Central Crime Branch, Team XXI,
Vepery, Chennai – 600 007.

3. The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.503 of 2023

P.VELMURUGAN, J.

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Crl.R.C.No.503 of 2023

14.02.2025