



Crl.O.P.No.6624 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6624 of 2023

and

Crl.M.P.Nos.4153 and 4154 of 2023

Arvinth Prakash

... Petitioner

Vs

1.The State represented by
The Sub-Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special Cell)
Coimbatore District.
(Crime No.14 of 2022)

2.Poovathal

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, pleased to call for records relating in C.C.No.53 of 2022 on the file of the Special Court for exclusive trial of Land Grabbing Cases, Coimbatore and quash the same by allowing this Criminal Original Petition.

For Petitioner	: Mr.M.Guruprasad
For R1	: Mr.R.Vinothraja, Government Advocate (Crl. Side)
For R2	: Mr.K.Krishnan



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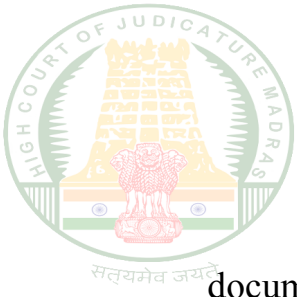
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ORDER

This Criminal Original Petition has been filed to quash the proceeding in C.C.No.53 of 2022 on the file of the Special Court for exclusive trial of Land Grabbing Cases, Coimbatore.

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

3. The case of the prosecution is that the Accused Nos.1 to 5 misrepresented before the revenue authorities, without producing any title deeds with the name of Vellaimoopan, falsely claiming that Vellaipoodaran was the same person. Based on such misrepresentation, they managed to obtain patta. Thereafter, the first accused illegally executed a settlement deed in favour of A2 to A5, without possessing original title deed or parent documents for the property and without having possession of the property. Subsequently, A3 obtained a title deed in his favour by virtue of a sale deed dated 07.01.2022 and later transferred the property in favour of the 6th accused on 25.01.2022. Thus, the accused are alleged to have fabricated



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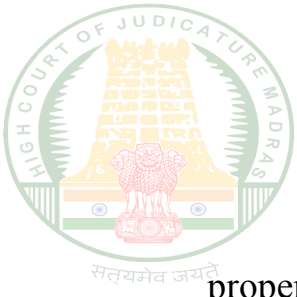
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documents and cheated the revenue authorities. Hence, the complaint.

4. On receipt of the complaint, the first respondent registered FIR in Crime No.14 of 2022 for the offences punishable under Sections 464, 468, 471, 474, 420 and 34 of IPC. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance in C.C.No.53 of 2022 on the file of the Special Court for exclusive trial of Land Grabbing Cases, Coimbatore for the offences punishable under Sections 468, 471, 120B, 465, 467, 109 and 427 of IPC.

5. The learned counsel for the petitioner would submit that the subject property was originally purchased by one Masiyan @ Vellaiyappan who is the son of Vellaimoopan, by the registered sale deed dated 06.12.1958 vide Document No.2771 of 1958, from one Kaliyammal ,Wife of Ramasamy Gounder. After the demise of the said Masiyan @ Vellaiyappan, his wife had executed a release deed dated 29.04.2021 in favour of other legal heirs viz., A2, A4 and A5. In turn, they executed a sale deed in favour of the third accused on 07.01.2022. Thereafter, the third accused had sold the subject

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property in favour of the petitioner, who is arrayed as A6 on 25.01.2022.

Even before the execution of the release deed, the legal heirs of the said Masiyan @ Vellaiyappan filed a partition suit in respect of the same property and it is pending. Their case is that originally the subject property was originally purchased by the said Vellaimoopen, who had two daughters and two sons. One of the daughters viz., Kuppathal and her legal heirs filed a suit for partition in O.S.No.1950 of 2011 and it is pending.

6. Now, the wife of the one of the sons lodged the present complaint alleging that the subject property was purchased by her father-in-law viz., Vellaimoopen. After his demise, his two sons and two daughters were entitled to an equal 1/4th share each in the property. It is alleged that one of the son viz., Masiyan @ Vellaiyappan executed a release deed and sold the entire property in favour of the third accused. In fact, the sale deed executed in favour of the petitioner was challenged before the District Registrar under Section 77A of Registration Act and the same was dismissed. Aggrieved by the said order, an appeal was filed before the Deputy Inspector General of Registration and the same was allowed. Aggrieved by the same, the petitioner

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preferred writ petition before this Court in W.P.No.8503 of 2023. This Court, by an order dated 23.04.2024 allowed the writ petition, directing all the aggrieved parties to file a civil suit to decide the title in respect of the subject property.

7. Further, the petitioner is in possession and enjoyment of the entire property by virtue of a registered sale deed dated 25.01.2022. Even assuming that the subject property was originally purchased by the said Vellaimoopan, viz., the second respondent's father-in-law, the petitioner's vendor's father would still be entitled to a 1/4th share in the subject property.

8. In view of the above, the offences as alleged by the prosecution are not at all attracted as against the petitioner. That apart, the petitioner, being the bonafide purchaser who had no knowledge about the dispute pending between the petitioner's vendor and other legal heirs of the second respondent's father-in-law, purchased the subject property.



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9. Therefore, the entire proceeding cannot be sustained as against the petitioner and is liable to be quashed. Accordingly, the proceeding in C.C.No.53 of 2022 on the file of the Special Court for exclusive trial of Land Grabbing Cases, Coimbatore, is hereby quashed as against the petitioner alone. The Trial Court is directed to proceed with the trial and complete the trial in C.C.No.53 of 2022 as against other accused in accordance with law.

10. In the result, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous petitions are closed.

24.03.2025

Index: Yes/No
Speaking Order: Yes/No
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To

- 1.The Special Court for exclusive trial of Land Grabbing Cases,
Coimbatore.
- 2.The Sub-Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special Cell)
Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN,J.

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