



*Crl.O.P.No.17156 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 17156 of 2023

and

Crl.M.P.No.11036 of 2023

Hema

..... Petitioner

Vs

1.The State rep. by its  
Inspector of Police,  
DCB, P.S. Dharmapuri

2.Madhu Gounder

..... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to C.C.No.106 of 2023 on the file of the Judicial Magistrate No.II, Dharmapuri pending and quash the same with regard to the petitioner herein.

For Petitioners : Mr.A.Muthusubramaniam

For R1 : Mr.R.Vinothraja  
Government Advocate (Crl.Side)

For R2 : Mr.S.Vinod



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### **ORDER**

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.106 of 2023 pending on the file of the Judicial Magistrate No.II, Dharmapuri.

2. The case of the prosecution is that on 18.08.2022, the second respondent lodged a complaint before the first respondent alleging that the petitioner's husband had fraudulently entered into a sale agreement. Pursuant to the said agreement, the petitioner purchased various extents of land by way of sale deeds dated 05.11.2020 registered vide Document Nos.4363 & 4364 of 2020. The said sale deeds were executed by the power of attorney holder, viz., Matheswaran, who acted on behalf of the vendors viz., (i) Thirupathy Gounder and his sons (2) Raja, (3) Chinna Raji, (4) Ammasi, (5) Sithan, (6) Kutty, (7) Ponnusamy (8) Govinda Gounder, (9) Sivaraji, based on power of attorney executed by the vendors, registered vide document Nos. 290 & 291 of 2020. It is further alleged that the sale deeds were executed fraudulently based on the life certificates falsely certifying that two of the principals, viz., Thirupathi and Ammasi, were alive at the time of execution. The transactions were intended to defraud the second respondent, who is the grandson of the deceased principals.



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3. Based on the complaint lodged by the second respondent,

the first respondent registered an FIR in Crime No.8 of 2022 for the offence punishable under Sections 420, 465, 467, 468 & 471 of IPC. After completion of the investigation, the first respondent filed a final report and the same has been taken cognizance by the Trial Court in C.C.No.106 of 2023 for the offences under Sections 409, 120B, 511, 465, 467, 468, 471 & 420 of IPC.

4. The learned counsel appearing for the petitioner would submit that there are totally four accused, in which, the petitioner is arrayed as A2. Even according to the prosecution, the petitioner had purchased the subject property by way of two sale deeds vide Document Nos.4363 & 4364 of 2020. She is a bona fide purchaser and no offence is made out as against the petitioner. There are six owners in respect of the subject property. They had executed a power of attorney to deal with the subject property vide Document Nos. 290 & 291 of 2020 on 20.08.2010. On the same date, all the owners received the entire sale consideration in respect of the subject property. The power of attorney holder viz., the first accused, entered into an agreement for sale with the fourth accused, who is none other than the husband of the petitioner



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herein on 08.03.2013. Thereafter, in the year 2020, the sale deeds were executed in favour of the petitioner by the power holder.

5. While being so, the second respondent, who is claiming to be the grandson of Thirupathi, lodged a complaint alleging that the said Thirupathi died in the year 2016 and that another co-owner of the property viz., Ammasi also died in the year 2018. Suppressing the said facts, the power holder had obtained life certificate in the names of the deceased persons and executed sale deeds in favour of the petitioner herein. The second respondent lodged a complaint before the District Registrar challenging the sale deeds executed in favour of the petitioner. By an order dated 22.12.2022, the District Registrar declared the sale deeds in favour of the petitioner to be fraudulent one and directed the Sub Registrar to lodge a complaint as against the accused persons. The petitioner has also filed a suit seeking for declaration declaring that the sale deeds executed in her favour are valid.

6. Heard the learned counsel appearing on either side and perused the materials available on record.



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7. Insofar as the petitioner is concerned, she purchased the property only in the year 2020. She had no knowledge about the power of attorney had been executed in favour of the first accused by the original owners of the property, which was executed in the year 2010. Only on the production of the life certificate by the power holder, the sale deeds were executed in favour of the petitioner. There is absolutely no evidence to show that the petitioner conspired with the other accused persons and obtained sale deeds in her favour.

8. That apart, as per the acknowledgement receipt dated 20.08.2010, the entire sale consideration for the subject property was duly received by the original owners of the property, viz., six persons including the deceased persons Thirupathi and Ammasi. The sale deeds were executed belatedly by the power holder after the demise of the two owners of the property viz., Thirupathi and Ammasi. Therefore, utilising such circumstances, the second respondent lodged a complaint. However, the petitioner, being the bona fide purchaser, cannot be directed to undergo ordinal of trial, since no offence is made out as against her.



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9. In view of the above, this Court is inclined to quash the proceedings in C.C.No.106 of 2023 pending on the file of the Judicial Magistrate No.II, Dharmapuri. Accordingly, it is hereby quashed as against the petitioner alone and the Criminal Original Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

28.03.2025

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
*Lpp*  
To

1. The Judicial Magistrate No.II, Dharmapuri.
2. The Inspector of Police,  
DCB, P.S. Dharmapuri.
3. The Public Prosecutor,  
High Court, Madras.



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**G.K.ILANTHIRAIYAN, J.**

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