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Crl.O.P.No.19068 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM:

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

Crl.O.P.No.19068 of 2023

and

Crl.M.P.No.12758 of 2023

1. Durai

2. Vijay

... Petitioners

Vs

1. The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.

2. Vengadesan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the F.I.R. in Crime No.209/2023 on the file of the 1st respondent police and quash the same against the petitioners/A4 and A5 alone.

For Petitioners : Mr.N.Ranjith Kumar

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl. Side) (for R1)

ORDER



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This petition has been filed to quash the First Information Report in Crime No.209 of 2023 on the file of the first respondent Police against the petitioners/A4 and A5 alone.

2. The case of the prosecution is that originally the second respondent/de-facto complainant offered to sell his property situated in Survey No.144/3B, Uthirakidikaval Village, Sendamangalam, Namakkal District. Accordingly, A1 accepted his offer and expressed willingness to purchase the property. After some round of talks, the sale price was fixed as Rs.8,85,000/-. The A-1 paid a sum of Rs.2,95,000/- to the second respondent by RTGS from A-1's account to the second respondent's bank account. Further, A-1 paid Rs.2,95,000/- each to the de-facto complainant's son, viz., V.Rajeswaran, and the de-facto complainant's daughter, viz., Sowmiya, by RTGS. After receiving the entire sale consideration, the second respondent executed a sale deed dated 03.01.2023 in favour of A-1. It is the further case of the prosecution that from the date of purchase of the said property, A-1 was in possession and enjoyment of the same. In such circumstances, he mutated the revenue records in his name. Thereafter, the de-facto



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complainant approached A-1 for purchasing the property and the A-1, who accepted the same, had executed a sale deed in favour of the de-facto complainant on 15.02.2023 after receiving a sum of Rs.8,85,000/- from the de-facto complainant through D.D.No.718134 dated 14.02.2023. Hence, the complaint.

3. The case of the petitioners is that the entire sale consideration was paid by the A-1 and thereafter, sale deed was executed in his favour. Thereafter, the second respondent wanted to purchase the property once again and paid a sum of Rs.8,85,000/- by way of demand draft. On receipt of the same, the first accused had executed a sale deed in favour of the second respondent vide Document No.685 of 2023 dated 15.02.2023. Therefore, there is absolutely no allegations to attract any of the offence as alleged by the prosecution for the offences under Sections 140, 120(B) and 420 of IPC.

4. Despite issuance of notice by this Court, the second respondent failed to appear before this Court. Further, the First Information Report is also pending from the year 2023 without any further progress.



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5. Further, on a perusal of the complaint lodged by the second respondent, it reveals that the second respondent wanted to return back whatever expenses occurred due to him during this transaction. Therefore, the entire allegations are civil in nature and offence is not made out as against any of the accused.

6. In view of the above, the impugned First Information Report is liable to be quashed. Accordingly, the First Information Report in Crime No.209 of 2023 is hereby quashed in respect of all the accused persons. Consequently, the connected Miscellaneous Petition is closed.

05.03.2025

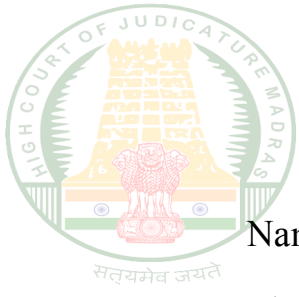
Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

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Sendamangalam Police Station,

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Namakkal District.

2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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