



Crl.O.P.(MD) No.1705 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.1705 of 2024
and **Crl.M.P.(MD) Nos.1238 & 1239 of 2024**

Vasanth John

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No.62 of 2011)

2.Paulsamuvel Thomas

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the impugned charge sheet in C.C.No.69 of 2013 on the file of the Special Court for Land Grabbing Cases, Tirunelveli, renumbered as C.C.No.1101 of 2023 on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.V.Angusamy

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R2 : Mr.P.M.Vishnuvarthanan



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ORDER

This Criminal Original Petition has been filed seeking to quash the final report in C.C.No.1101 of 2023 on the file of the learned Judicial Magistrate No.I, Tirunelveli [previously C.C.No.69 of 2013 on the file of the Special Court for Land Grabbing Cases, Tirunelveli] filed against the petitioner/A1 for the offences punishable under Sections 406, 465, 467, 468, 471, 420, 506(ii) and 34 of the Indian Penal Code, 1860.

2. The gist of the allegations in the final report is that the petitioner had initially agreed to purchase four extents of land in four different survey numbers measuring 12 cents, 12 cents, 19 cents, and 19 cents respectively from the second accused *vide* Sale Agreement dated 24.07.2009, registered as Document No.1266/2009; that thereafter, since the petitioner could not perform his part of the contract, the sale agreement was later cancelled on 26.09.2013 by Document No. 1621/2013; that in the meanwhile, the petitioner introduced the second respondent to the second accused; that the second accused executed a Sale Deed in favour of the second respondent's wife in respect of the same property by Document No.1661/2010 dated 06.09.2010; that on the same day, i.e., 06.09.2010, the second accused, *vide* a Sale Deed registered as



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Document No.1660/2010, sold another two extents of property measuring a total extent of 1 acre 89 cents in favour of the second respondent/defacto complainant; that thereafter, in order to deprive the second respondent/defacto complainant, the second accused executed a Settlement Deed dated 26.09.2011, registered as Document No. 1103/2011, in respect of the very same property measuring 1 acre 89 cents, in favour of his son/third accused; and that the petitioner had the common intention to commit the aforesaid offence along with the other accused, as he is a friend of the second accused.

3. The learned counsel for the petitioner would submit that the allegations would not attract the offences alleged against the petitioner, as he had nothing to do with the Settlement Deed executed by the second accused in favour of the third accused; that the petitioner had originally entered into a sale agreement with the second accused, which was subsequently cancelled; that there is nothing in the final report to suggest that the petitioner had any knowledge of the alleged Settlement Deed executed by the second accused in favour of the third accused; and that the impugned prosecution against the petitioner is an abuse of process of law.



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4. The learned counsel for the second respondent/defacto complainant would submit that the petitioner had earlier entered into a sale agreement with the second accused, who is now no more; that even though the said agreement was cancelled, at the instigation of the petitioner, the second accused executed a settlement deed in favour of the third respondent, although he had already sold the same to the second respondent/defacto complainant; and that the point raised by the petitioner cannot be adjudicated in this quash petition, and therefore, sought for the dismissal of the quash petition.

5. The learned Additional Public Prosecutor for the first respondent would reiterate the averments in the final report and also filed a counter affidavit sworn by the first respondent, in which it is stated that the petitioner was the person who first represented to the second respondent/defacto complainant about the availability of the land with the second accused; that he was aware of all the fraudulent acts of the second accused; and that the question involved in this case cannot be adjudicated in this quash petition, and therefore, this quash petition is liable to be dismissed.



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6. The sum and substance of the allegations, as stated earlier, is that the second accused, who is now no more, had executed a settlement deed in favour of the third accused in respect of the property which had already been sold to the second respondent/defacto complainant. It is seen that the petitioner had entered into a sale agreement with the second accused in the year 2009, which was, however, later cancelled. The petitioner had also attested the sale deed executed by the second accused in favour of the second respondent/defacto complainant. The above facts are not in dispute.

7. However, there is nothing on record to suggest that the second accused had executed the settlement deed in favour of his son, i.e., the third accused, in respect of the very same property on the instigation of the petitioner. In the absence of any evidence to show that the petitioner had gained wrongfully or had instigated the second accused to execute the settlement deed in favour of the third accused, the petitioner cannot be prosecuted merely because he introduced the second respondent/defacto complainant to the second accused. The petitioner also cannot be prosecuted for the acts committed by the second accused after the



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execution of the sale deed in favour of the second respondent/defacto complainant.

8. In the absence of any material to establish the involvement of the petitioner in the alleged transaction of the second accused, who is reported to be dead, and considering that the chances of conviction are bleak, this Court is of the view that proceeding with the impugned prosecution would be a futile exercise. Therefore, the impugned prosecution, as against the petitioner alone, is liable to be quashed.

9. The learned Judicial Magistrate may proceed with the case as against the third accused without being influenced by any of the observations made by this Court in this order.

10. With the above observations, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

13.11.2025

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Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order



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- 1.The Judicial Magistrate No.I,
Tirunelveli.
- 2.The Inspector of Police,
District Crime Branch,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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