



Crl. O.P.(MD) No. 2174 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**Crl. O.P. (MD) No. 2174 of 2024
and
Crl. M.P.(MD) No.1654 of 2024**

1. Radha,

2. Senthilkumar.

... Petitioners

Vs

1.The State
rep. By the Inspector of Police,
Srirangam Police Station,
Trichy City.
Crime No. 3003/2023.

2. Kudiyarasi.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records pertaining to Crime No. 3003 of 2023 dated 13.12.2023 on the file of the Inspector of Police, Srirangam Police station, Trichy city, Trichy District and quash the same in so far as the petitioners are concern.



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For petitioner : Mr. K.Yasar Arafath

For respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side) for R1
No appearance for R2

ORDER

The petitioner seeks to quash FIR in Crime No.3003 of 2023 for the alleged offences under Sections 341, 448 and 120B of IPC.

2. The allegation in the FIR is that the second respondent/defacto complainant was residing in the house belonging to the petitioner as lessee from the year 2006; that on 16.11.2007, the second respondent entered into a sale agreement with the petitioner and pursuant to the sale agreement, she had paid a sum of Rs.5,00,000/- towards sale consideration and thereafter, entered into the another sale agreement to pay additional sale consideration of Rs.50,000/-; that thereafter, the petitioner refused to execute the sale deed and the second respondent had filed a suit in O.S.No.269 of 2011 on the file of the III Additional Sub Court, Trichy, for various reliefs including specific performance of the sale agreement; that the said suit was dismissed for default on 24.01.2017; and that



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thereafter, the second respondent was in possession of the property and was forcibly vacated from the property on 11.10.2023 by the petitioner and thus, they committed offence under Sections 341, 448 and 120B of IPC.

3. The learned counsel for the petitioners would submit that the allegations in the FIR are inherently improbable and false; that the second respondent, having lost in the civil suit filed against the petitioner, has come up with the impugned FIR only to harass the petitioners; and that the second respondent is converting the civil dispute into a criminal case.

4. The learned counsel for the petitioners would further submit that the petitioners are in possession of the disputed property and therefore, the allegation of the forcible dispossession is false.

5. Though notice has been served on the second respondent, none has entered appearance.

6. The learned Government Advocate (Crl.Side), *per contra*, would submit



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that the first respondent had not filed a Final Report in view of the earlier order of this Court dated 20.02.2024 and would further submit that it is the fact that the second respondent had filed the said suit, which was dismissed for default; and that six years later the impugned complaint was filed.

7. The averments in the FIR would indicate that there is a dispute with regard to the enforcement of the alleged sale agreement between the second respondent and the petitioners. It is not in dispute that the suit for specific performance was filed by the second respondent before the learned III Additional Sub Judge, Trichy in O.S.No.269 of 2011 and the same was dismissed for default on 24.01.2017. The second respondent had not chosen to take any action pursuant to the dismissal of the suit. The impugned complaint has been lodged six years after the dismissal of the said suit. The allegation of the forcible dispossession is an afterthought, considering the conduct of the second respondent in allowing her suit to be dismissed for default and not challenging the same. The impugned complaint is inherently improbable, *mala fide* and has been lodged only to overcome the dismissal of the civil suit. The second respondent had also not chosen to seek any remedy before the Civil Court for restoring the possession.



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8. Hence, this Court is inclined to quash the impugned FIR. Accordingly, the impugned FIR is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

03.09.2025

To

1.The Inspector of Police,
Srirangam Police Station,
Trichy City.

2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai

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SUNDER MOHAN, J.

apd

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