



Crl.OP(MD)No.3214 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.3214 of 2024
and Crl.M.P(MD).No.2560 of 2024

1.Rajesh Kanna
2.Balamuthu

... Petitioners

Vs.

1.The State rep., by
The Inspector of Police,
District Crime Branch,
Trichy City.
Crime No.9 of 2024

2.Vasanth

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for records pertaining to the FIR in Crime No.9 of 2024 on the file of the first respondent police and quash the same as illegal insofar as the petitioner is concerned.

For Petitioners	: Mr.T.Leninkumar
For R1	: Mr.B.Thanga Aravindh Government Advocate (Crl. Side)
For R2	: Mr.Balaji



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ORDER

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Seeking to quash the FIR in Crime No.9 of 2024 on the file of the first respondent police, this Criminal Original Petition has been filed.

2. When the matter was taken up for hearing on 06.11.2025, the learned counsel for the petitioners submitted before this Court that the petitioners are innocent purchasers and they were cheated by the first accused and that now they are willing to cancel the sale deed executed in their favour and sought for the indulgence of this Court by quashing the impugned FIR and also sought time to file an affidavit of undertaking that they are willing to cancel the document as and when it is permitted by the concerned authority.

3. This Court, recording the submission made by the learned counsel for the petitioners, had adjourned the matter directing the learned Additional Public Prosecutor to instruct the first respondent to inform the defacto complainant about the pendency of this case and case was further posted on 18.11.2025. Thereafter, the case was posted on 12.12.2025.



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4. When the matter came up for hearing today i.e., 12.12.2025, it is brought on record that the learned counsel for the petitioners had already filed an undertaking affidavit in terms of his submission made before this Court on 06.11.2025 making a clear undertaking that the petitioners are willing to cancel the sale deed, when the authorities concerned permit.

5. The learned counsel for the defacto complainant submitted that the defacto complainant is present and this Court directly explained the details of the undertaking given by the petitioners, for which, she had fairly given her consent.

6. Recording the same, this Court hereby direct the petitioner and the defacto complainant to workout their remedies for the purpose of cancelling the sale deed which stands in the name of the petitioners before the learned District Munsif, Tiruchirappalli, in the pending suit in O.S.No.262 of 2025. The undertaking affidavit filed by the petitioners shall form and part of this order. It is also brought on record



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that the original parent document bearing Doc.No.3830/1986, dated 23.06.1986 on the file of the Joint Sub-Registrar 1 and 2, Trichy District, which was in the custody of the petitioners, has already been handed over to the defacto complainant. The petitioners are at liberty to recover the amount involved from the first accused by filing a separate civil suit. The relatives of the defacto complainant, namely, (1)P.Perumal, 62 years old, S/o.D.Periyasamy, (2)P.Rajan Babu, 60 years old, S/o.Periyasamy, and (3)Kalpana, 53 years old, W/o.Rajendran(late) are also present before this Court and they are also verified by the respondent police and they have no objection to quash the FIR against the petitioners.

7.The Hon'ble Supreme Court, in ***Lovely Salhotra and another Vs., State (NCT of Delhi) and another (AIR 2017 SC 2959)***, has held that where a clear offence is made out against the prime accused and no offence is made out against the peripheral accused, the Court can certainly consider quashing the charges against those accused, against whom no offence is made out.



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8. In view of the above, FIR in Crime No.9 of 2024 on the file of the first respondent is hereby quashed insofar as the petitioners/ accused Nos. 2 and 3 are concerned. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

12.12.2025

NCC : Yes / No

Index : Yes / No

Rmk

To

1.The Inspector of Police,
District Crime Branch,
Trichy City.

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



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L.VICTORIA GOWRI, J.

Rmk

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