



CRL RC(MD)No.310 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.310 of 2023

and

CRL MP(MD)No.4476 of 2023

M.Muthaiya

... Petitioner / 7th Accused

Vs.

The Inspector of Police,
District Crime Branch ALGSC,
Madurai District.
(Crime No.42 of 2018)

... Respondent / Complainant

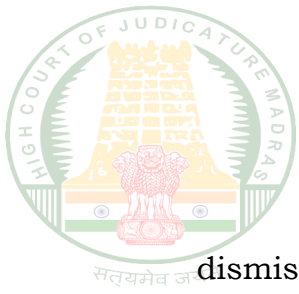
PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the order passed by the learned Special Court for Land Grabbing cases, Madurai, in CrI.M.P.No. 434 of 2022 in C.C.No.01 of 2021 dated 19.01.2023.

For Petitioner : Mr.M.Abdul Muthalif

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

This Criminal Revision Case is directed against the order dated 19.01.2023 passed by the learned Special Court for Land Grabbing cases, Madurai, in CrI.M.P.No.434 of 2022 in C.C.No.01 of 2021



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dismissing the discharge petition filed by the petitioner herein who is implicated as the 7th accused among the total number of eight accused.

2. The learned counsel for the petitioner submitted that the petitioner has been wrongly implicated by the respondent police in a case which is of civil nature by giving criminal colour to the scene. The matter is all about the involvement of the petitioner as an attesting witness in a sale deed bearing document No.956 of 2008, dated 15.12.2008 of Thiruparankundram Sub Registry by the children of one Sivanandi in favour of one Priya and others. The petitioner had attested the same in the capacity of an attesting witness and he is neither known to the vendors or the vendees of the said document and he is in no way connected with the transaction.

3. However, later, a criminal case came to be registered as against the vendors and vendees of the aforesaid sale deed for having colluded together by suppressing the factum of the subject property to the said sale deed, having dealt with by a competent Civil Court in O.S.No.118 of 2006 on the file of of the District Munsif Court at Tirumangalam. The said case had been decreed as early as on 12.06.2008 declaring that the



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settlement deed in favour of the vendors as null and void. Wilfully suppressing the pendency of the suit in O.S.No.118 of 2006 on the file of the learned District Munsif Court at Tirumangalam, the vendors have executed the aforesaid sale deed in favour of Priya and others. The petitioner in the capacity of attesting witness had signed the said document and he is an innocent person and he is not related to the vendors or the vendees of the aforesaid sale deed, he is just a land broker and he is no way connected with the case and hence, the learned Trial Court ought to have appreciated this discharge petition and allowed the same, having dismissed the same he have got a good case before this Court and he pressed for allowing the criminal revision case.

4. Per contra, the learned Additional Public Prosecutor, Mr.S.Ravi categorically submitted that the petitioner herein is a land broker who was very well aware of the pendency of the civil suit in O.S.No.118 of 2006 on the file of the learned District Munsif Court at Tirumangalam and it was only during the pendency of the said case as a land broker, it is the petitioner, who had arranged for the said transaction by executing a sale deed facilitating the vendors to execute the same in favour of the vendees, as a result of which, the subsequent purchaser who is the de-facto complainant herein had suffered heavy monetary



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loss and hence, he is a necessary party and later during 2018, the said suit had been allowed by declaring all the documents, more particularly, the settlement deeds, in favour of the vendors of the sale deed bearing document No.956 of 2008 as null and void. In view of the same, the 7th accused is the necessary party and he pressed for dismissing this criminal revision case.

5. Heard the learned counsels on either sides and carefully perused the materials available on record.

6. A careful perusal of the impugned order would reveal that the learned Trial Court had carefully gone through the discharge petition as well as the documents submitted by the respondent police. The learned Trial Court had observed that since the criminal case is a land grabbing case involving offenses of cheating and forgery, the same could be substantiated only after adducing and appreciating appropriate evidence through proper witnesses and the overtact which has been made out by the respondent police as against the 7th accused could be appreciated only after the examination of witnesses and hence the discharge petition is premature to be considered in favour of the 7th



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accused and had dismissed the suit. Being a land grabbing case, this Court is of the considered view that there is no demerit in the Trial Court's observation and the impugned order by which the petitioner's discharge petition has been dismissed. In view of the same, I am not inclined to interfere with the order passed by the learned Trial Court.

7. Accordingly, this Criminal Revision Case is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To
1.The Special Land Grabbing Court,
Madurai.
2.The Inspector of Police,
District Crime Branch ALGSC,
Madurai District.
3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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L.VICTORIA GOWRI, J.,

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