



Crl.O.P.(MD) No.7393 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.7393 of 2024

and

Crl.M.P.(MD) No.5307 of 2024

Pavithra

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
District Crime Branch,
Madurai.

2.M.Meenakshi Sundaram

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973/Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to C.C.No.183 of 2024 on the file of the learned Judicial Magistrate No.I, Madurai and quash the same as against the petitioner.

For Petitioner : Mr.VR.Shanmuganathan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

For R2 : Mr.B.Mahendrarajan



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ORDER

WEB COPY This Criminal Original Petition has been filed seeking to quash the final report in C.C.No.183 of 2024 on the file of the learned Judicial Magistrate No.I, Madurai, registered against the petitioner/A5 for offences punishable under Sections 406, 420, 506(1), and 120B of the Indian Penal Code, 1860.

2. The allegation in the final report is that the property, measuring an extent of 1 Acre and 8 Cents, belongs to the petitioner; that the second respondent/defacto complainant intended to purchase the said property and approached the first accused; that the first accused represented that he was the power agent of the petitioner and also arranged for the second respondent/defacto complainant to speak with the petitioner over the phone; that thereafter, at the instance of the first accused, the second respondent/defacto complainant paid a sum of Rs.10,000/- as advance and transferred a further sum of Rs.9,90,000/- to the account of the fourth accused from the account of his father; that thereafter, when the accused failed to register the document, the second respondent/defacto complainant approached the petitioner, who told the second respondent/defacto complainant that she did not intend to sell the property



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to him since the payment was not made to her; and that when the second respondent/defacto complainant requested the other accused to return the money, they refused to do so.

3. The learned counsel for the petitioner would submit that even if the allegations are accepted to be true, the offence under Section 406 of the IPC would not be made out, as there is no entrustment, even according to the second respondent/defacto complainant; that the allegation of cheating would also not be made out, as even according to the second respondent/defacto complainant, the petitioner did not make any representation inducing the second respondent/defacto complainant to pay money; that the allegation appears to be improbable, as the second respondent/defacto complainant agreed to buy the property even without meeting the actual owner i.e., the petitioner herein, and made an advance payment of Rs.10,00,000/- to third parties ie., other accused; and that, considering the improbability in this case, and since no offence is made out, the impugned proceedings are liable to be quashed.

4. When the matter was heard on 23.09.2025, the learned counsel for the second respondent entered appearance and submitted that the



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petitioner is in the habit of cheating persons by receiving advance amounts, entering into sale agreements, and thereafter not registering the sale deeds. He also filed a copy of the Sale Agreement dated 01.03.2021 executed by the petitioner in favour of one Parthasarathy and relied upon the written statement of the first accused, said to have been made before the Inspector of Police, Alanganallur Police Station, stating that the money paid to the petitioner would be collected and handed over to the second respondent/defacto complainant. For want of time, this Court adjourned the matter. There is no representation for the second respondent today.

5. Heard the learned Government Advocate (Criminal Side) for the first respondent, who reiterated the allegations in the final report and submitted that the second respondent/defacto complainant had transferred a sum of Rs.9,90,000/- from his father's account to the account of the fourth accused, and that the prosecution has collected sufficient material to establish the offences.

6. The allegations of the second respondent/defacto complainant, at the outset, appear to be improbable and opposed to common sense. It is



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hard to believe the version of the second respondent/defacto complainant that he intended to purchase a large extent of land for a huge amount merely on the representation of the first accused that he was the power agent of the petitioner. Admittedly, the petitioner had not executed any power of attorney in favour of the first accused. The second respondent/defacto complainant did not choose to meet the petitioner in person before entering into the sale agreement. That apart, the second respondent/defacto complainant did not question the first accused as to why he had asked him to transfer the amount to the account of a third party to the transaction, namely A4. Therefore, from a reading of the allegations, this Court is of the view that the impugned prosecution, which is attended with *mala fide*, cannot be sustained.

7. Further, even if the allegations are accepted to be true, this Court is of the view that none of the offences have been made out. The petitioner had not made any representation to the second respondent/defacto complainant and had not dealt with the second respondent/defacto complainant directly. Hence, there was no deception. Further, there was no entrustment of money to the petitioner as well. In the absence of any deception or entrustment, the offences under Sections



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420 and 406 of the IPC would not be made out. Therefore, as stated earlier, even if the petitioner was liable to pay any money to the second respondent/defacto complainant, the alleged offences would not be made out. Consequently, the offence under Section 120B of the IPC would not be attracted. The allegation also does not suggest any real threat to attract the offence under Section 506(1) of the IPC. Hence, this Court is inclined to quash the impugned proceedings insofar as the petitioner is concerned.

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

25.09.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

1.The Judicial Magistrate No.I,
Madurai.

2.The Inspector of Police,
District Crime Branch,
Madurai.

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



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SUNDER MOHAN, J.

JEN

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