BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15296 of 2024

1.K.Gunaseelan

2.R.Sambathkumar

3.K.Kalimuthu

4.C.Chellamuthu

5.V.Kuppusamy

6.R.Natarajan

7.V.Nattudurai ... Petitioners/Accused 2, 7, 9 to 13

Vs.

1.The Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special Cell),
Dindigul District.
(Crime No.57 of 2011) ... 1st Respondent/Complainant

2.G.Srinivasan .. 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned final report filed by the 1st respondent in C.C.No.27 of 2014, pending on the file of learned Judicial Magistrate Court-II, Dindigul and quash the same as against the petitioners and allow this criminal original petition on the file of this Court.

For Petitioners	:	Mr.N.Dilip Kumar For Mr.S.R.Suresh Kumar
For R-1	:	Mr.R.Meenakshi Sundaram Additional Public Prosecutor
For R-2	:	Mr.N.Kumanan

ORDER

This Criminal Original Petition is filed to quash the impugned final report in C.C.No.27 of 2014 on the file of learned Judicial Magistrate No.II, Dindigul, which was filed for the offences under Section 120B, 147, 447, 342, 365, 506(1) and 379 of IPC as against the petitioners.

2. The petitioners are arrayed as A2, A7 and A9 to A13 in the impugned final report. The gist of the allegations in the impugned final report is that the defacto complainant had owned several extents of land and he had purchased those lands in the name of witnesses, Vignesh, Venkatachalapathy and Rajendran; that the first accused had forcibly

obtained three documents being the powers of attorney executed by Vignesh, Venkatachalapathy and Rajaram on 07.09.2009, 12.09.2009 and 22.09.2009 respectively in respect of 165 acres of land in Chatrapatti Village; that on 04.02.2010, the defacto complainant had intended to cancel the powers of attorney; that knowing that the defacto complainant intended to do so, he was wrongfully confined by A1 and A3 to A6 in a farm; that on the strength of the powers of attorney, many sale deeds were executed by the first accused in favour of the first petitioner (A2); that thereafter, the first petitioner had executed sale deeds in favour of the petitioners 3 to 7 (A9 to A13); that the petitioners were aware of the fact that the defacto complainant had intended to revoke the powers of attorney and was illegally detained by the first accused and other accused and in conspiracy with the other accused, had executed documents in their favour; that thereafter, they committed theft of motor, hollow blocks, biogas plant and other articles worth about Rs.20 lakhs from the land, which was then in possession of the defacto complainant and thus committed the aforesaid offences.

3. Mr.N.Dilip Kumar, learned counsel for the petitioners would submit that the impugned prosecution is an abuse of process of law,

attended with malafides; that a suit for declaration of title or for cancellation of sale deed is sought to be given a criminal colour; that the second respondent had so far not initiated any action to declare the sale deeds in favour of the first petitioner or the other petitioners as null and void; that the defacto complainant himself was an accused in several cases registered by the CBI and the Enforcement Authorities; that the Enforcement Directorate initiated proceedings against the defacto complainant and the properties, which were sold to the petitioners, were also attached by a provisional attachment order on 10.05.2012, which was confirmed by the Adjudicating Authority on 07.09.2012 and further confirmed by the Appellate Tribunal on 05.09.2014; that this Court had quashed the attachment order in C.M.A.(MD).Nos.104 to 110 of 2025 dated 14.10.2015 by judgment dated 14.10.2015 by observing that the petitioners were bonafide purchasers and sale deeds were executed for valid consideration; and that the petitioners were also prosecuted in the complaint filed by the Enforcement Authorities and the Division Bench of this Court in Crl.O.P.(MD).Nos.2821 and 5638 of 2017 had quashed the said proceedings by observing that the petitioners had purchased the property for valid consideration and therefore, they cannot be prosecuted for the offence under Section 3 read with 4 of Prevention of Money

Laundering Act. The learned counsel would therefore would submit that all the above facts would show that the impugned prosecution is malafide and relied upon the following judgments of the Hon'ble Supreme Court in support of his submission that prosecution, which is attended with malafides, have to be quashed:

(a) ***A.M.Mohan Vs. State and another*** reported in ***(2024) 12 SCC 181***;

(b) ***Lennart Schussler and another Vs. The Director of Enforcement and another*** reported in ***(1970) 1 SCC 152***;

(c) ***Prakash Aggarwal Vs. Ganesh Benzoplast Limited and another*** reported in ***(2023) 3 SCR 844***;

(d) ***Chandi Kumar Das Karmakar and another Vs. Abanidhar Roy*** reported in ***AIR 1965 SC 585***.

4. The learned counsel for the second respondent vehemently opposed the prayer for quashing of the final report and would submit that the second respondent had intended to revoke the powers of attorney; that he was illegally detained by A1 and A3 to A6 with the knowledge of the petitioners; and that the question as to whether the petitioners conspired with the other accused cannot be adjudicated in a quash petition. He would further submit that even if the second respondent had

not chosen to challenge the sale deeds in favour of the petitioners, the offence committed by the petitioners would not be erased; and that it is for the Trial Court to adjudicate all these disputed questions of fact.

5. The learned Additional Public Prosecutor also opposed the prayer for quashing of the final report and would rely upon the statements of the witnesses, L.W.1 to L.W.4 in support of his submission that the petitioners were also aware of the illegal confinement of the defacto complainant and therefore, they are liable for conspiracy; that the fact that the petitioners were exonerated in the PMLA proceedings and the attachments were lifted by this Court, would not make any difference as this proceedings have to be independently adjudicated as there is an allegation of theft as well.

6. It is not in dispute that the petitioners who are arrayed as A2, A7 and A9 to A13 had no direct contact with the defacto complainant. A1 is said to have obtained powers of attorney from three different individuals, who are said to be the benamidars of the defacto complainant, on 07.09.2009, 12.09.2009 and 22.09.2009 respectively. It is also not in dispute that these powers of attorney were in force on the date of

execution of sale deed, namely, 05.02.2010. The allegation is that A1 and A3 to A6 had confined the defacto complainant illegally to prevent him from revoking the power of attorney. There is no explanation as to why the defacto complainant had not revoked the power of attorney earlier or what is the nature of the dispute so as to warrant revocation of power of attorney. In any case, those are not relevant in the instant case.

7. Be that as it may. Admittedly, the defacto complainant had not challenged the sale deeds, which are said to have been executed in favour of A2 and the subsequent sale deeds executed by A2 in favour of A9 to A13. The role played by A7 is that he had signed as a witness in the sale deeds executed by A2 on 05.02.2010. Though the prosecution would rely on the statements of L.W.1 to L.W.4, a reading of the statements do not suggest that the petitioners were aware of the alleged illegal confinement of the defacto complainant made by A1 and A3 to A6. All that the statements reveal is that after confining the defacto complainant, the first accused had executed sale deeds in favour of the first petitioner. It is also not in dispute that the defacto complainant himself was subjected to various prosecutions. He is an accused in the CBI case and also in the complaint filed by the Enforcement Directorate. During the course of

transaction, several properties of the defacto complainant were attached by the Enforcement Directorate and this Court ultimately in an appeal challenging the order of the Tribunal had set aside the attachment in C.M.A.(MD).Nos.104 to 110 of 2015 vide judgment dated 14.10.2015. For better understanding, the relevant portion of the judgment is extracted below:

> *"22. In the present case, one G.Srinivasan is accused of having played fraud and obtained a loan of Rs.15,00,00,000/- by producing bogus and fabricated documents. From and out of the said amount, the property in question was purchased by him in the names of his Benamies. One Ayyappan was appointed as their Power Agent. One Gunaseelan purchased the property through the Power Agent Ayyappan. The said Gunaseelan was examined and his statement was recorded Under Section 50 of the Act. He had stated that he purchased the property for cultivation. He developed the property but geologist gave opinion that property will not yield proper income. In the circumstances, he sold the property to appellants. The respondent has not produced any document or material to disprove the statement of Gunaseelan. There is nothing on record to show that the transaction in favour of the said Gunaseelan, is not genuine. It is not the case of respondent that the said Gunaseelan is a Benami or employee of G.Srinivasan and that Gunaseelan did not pay any amount as sale consideration or the sale consideration paid by Gunaseelan was not legitimate money. There is no material to show nexus and link of Gunaseelan with G.Srinivasan and his Benamies. In the absence of any verification or investigation by respondent with regard to genuineness or otherwise of the purchase by Gunaseelan; whether he was*

connected with G.Srinivasan or the sale consideration is legitimate or not the property in the hands of Gunaseelan cannot be termed as proceeds of crime."

8. Further, it is also not in dispute that the complaint filed against the petitioners by the Enforcement Directorate also came to be quashed by this Court in Crl.O.P.Nos.2821 and 5638 of 2017 dated 21.03.2022 by making the following observations:

> *"10. In this case, there is no shred of material to show that A8 to A15 had committed any criminal activity at all. A8 had purchased lands for his business from A4, A6 and A7 through their power agent Ayyappan and thereafter, he sold those lands to A9 to A15 for a valuable consideration."*

In fact, the accused mentioned therein are the petitioners before this Court. Therefore, this Court is of the view that the allegation against the petitioners that they had conspired with the other accused and forcibly executed sale deeds in their favour cannot be countenanced.

9. The other allegation is that after the execution of the sale deeds, the petitioners entered into the property, which was allegedly in possession of the defacto complainant and committed theft. This Court is of the view that in the absence of any challenge and in the light of the

recitals in the document that the possession was handed over to the petitioners, the said allegation is also an after-thought and therefore attended with malafides. In fact, a couple of witnesses examined by the prosecution, who are tenants in the farmlands and neighbours, also confirmed that the petitioners took possession after the registration of sale deeds. Therefore, the allegation of theft as stated earlier is an after-thought. The Hon'ble Supreme Court in the case of A.M.Mohan Vs. State and another reported in (2024) 12 SCC 181 had reiterated the law with regard to exercise of jurisdiction under Section 482 of Cr.P.C. In paragraph 18 of the judgment, the Hon'ble Supreme Court had extracted the judgment in Indian Oil Corporation Vs. NEPC India Limited reported in (2006) 6 SCC 736, which reads as follows:

> ***"18.*** *The law with regard to exercise of jurisdiction under Section 482CrPC to quash complaints and criminal proceedings has been succinctly summarised by this Court in Indian Oil Corpn. v. NEPC India Ltd. [Indian Oil Corpn. v. NEPC India Ltd., (2006) 6 SCC 736 : (2006) 3 SCC (Cri) 188 : 2006 INSC 452] after considering the earlier precedents. It will be apposite to refer to the following observations of this Court in the said case, which read thus:*
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> *"12. The principles relating to exercise of jurisdiction under Section 482 of the Code of Criminal Procedure to quash complaints and criminal proceedings have been stated and reiterated by this Court in several decisions. To mention a few—Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre [Madhavrao Jiwajirao*

Scindia v. Sambhajirao Chandrojirao Angre, (1988) 1 SCC 692 : 1988 SCC (Cri) 234] , State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , Rupan Deol Bajaj v. Kanwar Pal Singh Gill [Rupan Deol Bajaj v. Kanwar Pal Singh Gill, (1995) 6 SCC 194 : 1995 SCC (Cri) 1059] , CBI v. Duncans Agro Industries Ltd. [CBI v. Duncans Agro Industries Ltd., (1996) 5 SCC 591 : 1996 SCC (Cri) 1045] , State of Bihar v. Rajendra Agrawalla [State of Bihar v. Rajendra Agrawalla, (1996) 8 SCC 164 : 1996 SCC (Cri) 628] , Rajesh Bajaj v. State (NCT of Delhi) [Rajesh Bajaj v. State (NCT of Delhi), (1999) 3 SCC 259 : 1999 SCC (Cri) 401] , Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd. [Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd., (2000) 3 SCC 269 : 2000 SCC (Cri) 615] , Hridaya Ranjan Prasad Verma v. State of Bihar [Hridaya Ranjan Prasad Verma v. State of Bihar, (2000) 4 SCC 168 : 2000 SCC (Cri) 786] , M. Krishnan v. Vijay Singh [M. Krishnan v. Vijay Singh, (2001) 8 SCC 645 : 2002 SCC (Cri) 19] and Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque [Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque, (2005) 1 SCC 122 : 2005 SCC (Cri) 283] . The principles, relevant to our purpose are:

(i) A complaint can be quashed where the allegations made in the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out the case alleged against the accused.

For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with mala fides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceeding are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not." "

The principles relating to exercise of jurisdiction had been elaborately dealt with and clauses (i), (ii) and (v) of para 12 in Indian Oil Corporation Case cited supra would squarely apply to the facts of the instant case. It is also well settled that if the allegation only discloses a civil dispute, this Court in exercise of the power under Section 482 of Cr.P.C has to necessarily intervene and quash the proceedings.

10. Therefore, for all the above reasons, this Court is inclined to quash the impugned proceedings against the petitioners. Accordingly, the impugned final report in C.C.No.27 of 2014 on the file of the learned Judicial Magistrate No.II, Dindigul is quashed only insofar as the petitioners are concerned and the Criminal Original Petition stands allowed.

21.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm/ars

To
1.The Judicial Magistrate Court-II,
Dindigul.

2.The Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special Cell),
Dindigul District.

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

SUNDER MOHAN, J.

Lm/ars

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