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CrI.O.P.No.10457 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.10457 of 2023 and
CrI.MP.Nos.6722 & 6723 of 2023

1.Kathiresan
2.Geetharani

... Petitioners

Vs.

1.The State
Rep. By its Inspector of Police,
Central Crime Branch(CCB),
Coimbatore City,
Coimbatore District
(FIR No.23 of 2020)
2.Muthukani

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records relating to in the CC.No.2649 of 2022 on
the file of Judicial Magistrate-VII, Coimbatore and to quash the same as
illegal against the petitioners herein / accused No.1 and 2.

For Petitioners : Mr.R.Srinivas,
Senior Counsel
for Mr.S.Sithirai Anandam

For Respondents
For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R2 : Mr.T.Mohan,
Senior Counsel
for Mr.M.Santhanaraman



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ORDER

This criminal original petition has been filed praying to quash the proceedings in CC.No.2649 of 2022 on the file of Judicial Magistrate-VII, Coimbatore in respect of the petitioners.

2. The case of the prosecution is that one Madheshwaran contacted the defacto complainant after knowing the fact that the defacto complainant was searching for a place to start a grocery shop. As such, he took the defacto complainant and her husband to the subject property measuring 4½ cents at Kovilpalayam. The land owners Ganesan and his wife Chithra (A3 and A4) gave Power of Attorney Deed dated 30.09.2018 (Doc.No.14848 of 2018] to the 1st petitioner /Accused No.1 who is none other than the husband of the second petitioner. The defacto complainant and her husband had negotiation with the land owners and finally they agreed to purchase the said properties for Rs.86,87,615/- under an unregistered sale agreement dated 29.12.2018. According to the defacto complainant, they made part payment of Rs.61,87,615/- on various dates to the 1st petitioner / Accused No.1 under due acknowledgment. But after sometime, the 1st petitioner / Accused No.1 did not choose to execute the sale deed since the power of attorney deed in the name of the 1st petitioner / Accused No.1 was cancelled. Hence, a complaint was lodged.

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3. On receipt of the said complaint, the first respondent registered FIR in crime No.23 of 2020 for the offence punishable under Sections 120(b) & 420 of IPC. After completion of investigation, final report was filed and the same was taken cognizance by the trial court in CC.No.2649 of 2022 on the file of the Judicial Magistrate-VII, Coimbatore. While pending trial, the petitioners have filed this quash petition.

4. It is seen that in order to repay the aforementioned amount which was received by the petitioners, the petitioners issued cheque, which was presented for collection. However, it was returned dishonoured for the reason 'funds insufficient' and as such, the second respondent initiated prosecution under Section 138 of NI Act against the petitioners. Now the entire amount has been received by the respondent and the respondent also duly acknowledged the same. However, now the parties namely the accused and the second respondent have settled the entire issues as the petitioners returned the entire amount which was received from the second respondent i.e. to the tune of the entire principal amount and the second respondent also acknowledged the same. It is seen that the second respondent has no objection to quash the impugned

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proceedings and also the proceedings initiated under Section 138 of NI Act in STC.No.792 of 2025 on the file of the Judicial Magistrate-IV, Coimbatore.

5. Therefore, in view of the settlement made between the parties, the entire proceedings in CC.No.2649 of 2022 on the file of the Judicial Magistrate-VII, Coimbatore and the proceedings initiated under Section 138 of NI Act in STC.No.792 of 2025 on the file of the Judicial Magistrate-IV, Coimbatore cannot be sustained and the same are liable to be quashed.

6. Insofar as the interest is concerned, already the second respondent initiated suit in OS.No.586 of 2019 on the file of the I Additional District Court, Coimbatore and it is pending for adjudication. It is made clear that I Additional District Court, Coimbatore shall dispose of the suit in OS.No.586 of 2019 without any influence of any settlement made between the parties in the criminal proceedings.

7. In the result, this criminal original petition is allowed and the entire proceedings in CC.No.2649 of 2022 on the file of the Judicial Magistrate-VII, Coimbatore and the entire proceedings initiated under

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Section 138 of NI Act in STC.No.792 of 2025 on the file of the Judicial

Magistrate-IV, Coimbatore, are quashed. Consequently, connected miscellaneous petitions are closed.

06.04.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
1.I Additional District Court, Coimbatore
2.Judicial Magistrate-VII, Coimbatore
3.The State
Rep. By its Inspector of Police,
Central Crime Branch(CCB),
Coimbatore City,
Coimbatore District
4.The Public Prosecutor,
High Court of Madras



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