
(2010) 03 MAD CK 0166

In the Madras High Court

Case No : Criminal O.P. No. 15627 of 2004

G. Sivaji

APPELLANT

Vs

T.S. Ravindran

RESPONDENT

Date of Decision : 31-03-2010

Acts Referred:

Citation : (2010) 03 MAD CK 0166

Hon'ble Judges : C.T. Selvam, J

Bench : Single Bench

Advocate : G.R. Swaminathan, for the Appellant; No appearance, for the Respondent

Final Decision : Allowed

Judgement

C.T. Selvam, J.—The petitioner seeks to quash the proceedings in C.C No. 227 of 2004 on the file of Judicial Magistrate II, Pondicherry. The case against the petitioner is that he has sold a property to the respondent in the year 1997. The property had been purchased by the petitioner in the year 1990. On certain interference with such property which was vacant land by one Selvarasu @ Sambandam the complainant found that such person claimed absolute title to the property by virtue of judgment and decree in O.S No. 410 of 1989, dated 14.09.2001 passed by the III Additional District Munsif, Pondicherry.

2. Heard the learned Counsel appearing for the petitioner. None appear on behalf of the respondent despite service.

3. A reading of the the complaint shows that the same originally informed the position that "the complainant" immediately contacted the accused and asked about such litigation that was fought between his Vendor Periyasamy (Vendor of the accused) and the said Selvarasu @ Sambandam for which the accused turned a deaf ear. Subsequently, the words "turned a deaf ear" have been struck out and the words accused "also admitted that he knowingly and intentionally cheated the complainant by "deceit and fraud" have been included.

4. In circumstances wherein the property has been purchased by the accused in the year 1990, the same was sold in the year 1997 and the complaint has been lodged in the year 2004 without any information as to how the accused had knowledge of a pending lis in respect of property and had effected sale of the property despite such knowledge, the complaint cannot be sustained. The corrections as above extracted made in the complaint clearly reveal that allegations have been included as an after thought to make out commission of offences. Accordingly, the proceedings in C.C No. 227 of 2004 shall stand quashed. This Criminal Original Petition is allowed.