



Crl.O.P.(MD).No.14646 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.14646 of 2020

and

Crl.M.P(MD).Nos.6907 and 6908 of 2020

S.Venkadesan

... Petitioner

Vs.

1.The Inspector of Police,
S.S.Colony Police Station,
Madurai City,
(Crime No.1461 of 2016)

2.Krishnasamy

...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records of C.C.No.272 of 2018 pending on the file of the learned Judicial Magistrate No.V, Madurai, and quash the same as illegal.

For Petitioner : Mr.V.Angusamy

For Respondents : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side) for R1

: Mr.I.Pinayagosh for R2



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.272 of 2018 pending on the file of the learned Judicial Magistrate No.V, Madurai.

2. The case of the complainant is that the first accused has made an assurance that he will allot two plots for a consideration of Rs.3,00,000/-for each plots. After receiving the total amount, the first accused has not allotted the plots as promised and also alleged that the petitioner has refused to return the said amount. On reading of the entire final report, it came to know that there was a contract between A1 and the defacto complainant with regard to the allotment of plot by A1 to the complainant, not by the petitioner to the defacto complainant.

3. The petitioner and the other accused conspired together and cheated the defacto complainant. According to the defacto complainant, the petitioner and the other accused conspired together and cheated the petitioner by making false representation that they are the rightful owner of the Saravana Township. Pursuant to which, the investigating agency collected number of materials which shows about the conspiracy in between the accused. More particularly, the



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statement under Section 161(3) of Cr.P.C., would prove the conspiracy between the accused and the defacto complainant, which reads as follows:

அதன்பிறகு ஒரு நாள் மேற்படி சோமசுந்தரம் என்னையும் என் தம்பி மனைவி சின்னதாயையும் மற்றும் ராஜேந்திரன் அவர்களையும் கூட்டிக்கொண்டு மேற்படி சரவணா டவுன்சிப்பின் மேலாளர் வெங்கடேசன் என்பவரை சந்திக்க செய்தார். மேற்படி வெங்கடேசன் எங்களை பார்த்து திரு.சோமசுந்தரம் அவர்களுக்கு தங்களுடைய சரவணா டவுன்சிப்பில் PHASE II ல் பிரிக்கப்பட்ட இடத்தில் பிளாட் எண்.81.82 4 வது 5வது தெருவிலுள்ள இரண்டு பிளாட்டுகள் ஒதுக்கீடு செய்து உறுதிசெய்யப்படுகிறது என்று மேற்படி வெங்கடேசன் தனது சுபிசா புரொமோட்டார் பேடிஸ் எழுதிக்கொடுத்தார்.

4. The other witnesses also spoke about the same set of allegation. In the said circumstances, this Court is not inclined to entertain the quash petition. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected criminal miscellaneous petitions are closed.

24.11.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
sbn



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- To
1. The Judicial Magistrate No.V,
Madurai.
 2. The Inspector of Police,
Kurangani, Bodinayakannur Taluk,
Theni District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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