

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.20904 of 2015

and

M.P.No.1 of 2015

- 1.Sudhir Kumar Surana,
Chairman,
Amar Prakaash Developers Pvt. Ltd.,
No.42, Rajendra Prasad Road,
Nehru Nagar,
Chrompet,
Chennai - 600 044.
- 2.Amar Prakaash Developers Pvt. Ltd.,
Represented by its Authorised Signatory,
Mr.M.Ramesh,
Having its office at
No.42, Rajendra Prasad Road,
Nehru Nagar,
Chrompet,
Chennai - 600 044. ... Petitioner

Vs

- 1.Saffron Heights Owner's Welfare Association.
Rep. By its Secretary
Mr.Ramalingam Rathinam,
Having its office at Pallava Garden,
3rd Main Road,
Thiurthani Nagar,
Zamin Pallavaram, Chennai - 600 117.

- 2.The State of Tamil Nadu,
Rep. By the Inspector of Police, L & O
S-5, Pallavaram Police Station,
Chennai District.

- 3.The Asst. Commissioner of Police,
Pallavaram Range,
Chennai.

- 4.The Joint Commissioner of Police,
South Zone,
St. Thomas Mound,
Chennai.

5.The Commissioner of Police,
Police Commissioner Office,
Egmore,
Chennai - 600 008.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in C.C.No.42 of 2015 now pending on the file
of the learned Judicial Magistrate, Tambaram and quash the same.

For Petitioners : Mr.M.Kamalanathan

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

This petition is filed to quash the proceedings in C.C.No.42
of 2015 on the file of the learned Judicial Magistrate, Tambaram.

2. Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that the petitioner is challenging the private
complaint filed by the respondent for the offences under Sections
339, 441, 503 r/w Section 506(ii) IPC. The case of the complainant
is that the accused are Flat Promoters and that they have locked the
club house and have taken illegal possession of it. While so, the
complainant lodged a private complainant in C.C.No.42 of 2015 before
the learned Judicial Magistrate, Tambaram, who has taken cognizance
of the offences and summons have been issued to the accused. It
appears that the accused did not even appear once before the learned
Judicial Magistrate, Tambaram and they have come for quashing this
prosecution straight away.

4. On a reading of the complaint, there is prima facie
materials to show that the offences have been committed by the
accused herein and therefore, the prosecution cannot be quashed at
such an early stage. Since it is a private complaint, after
examination of the prosecution witnesses, if there is no case made
out, the accused will be discharged under Section 244 Cr.P.C. If
the accused does not appear before the trial Court, the learned
Judicial Magistrate, Tambaram shall issue Non Bailable Warrant
against the accused for securing their presence.

5. In the result, this Criminal Original Petition is
dismissed. Consequently, connected miscellaneous petition is
closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate
Tambaram

2. The Inspector of Police (L &O)
S.5. Pallavaram Police Station,
Chennai

3. The Assistant Commissioner of Police
Pallavaram Range, Chennai

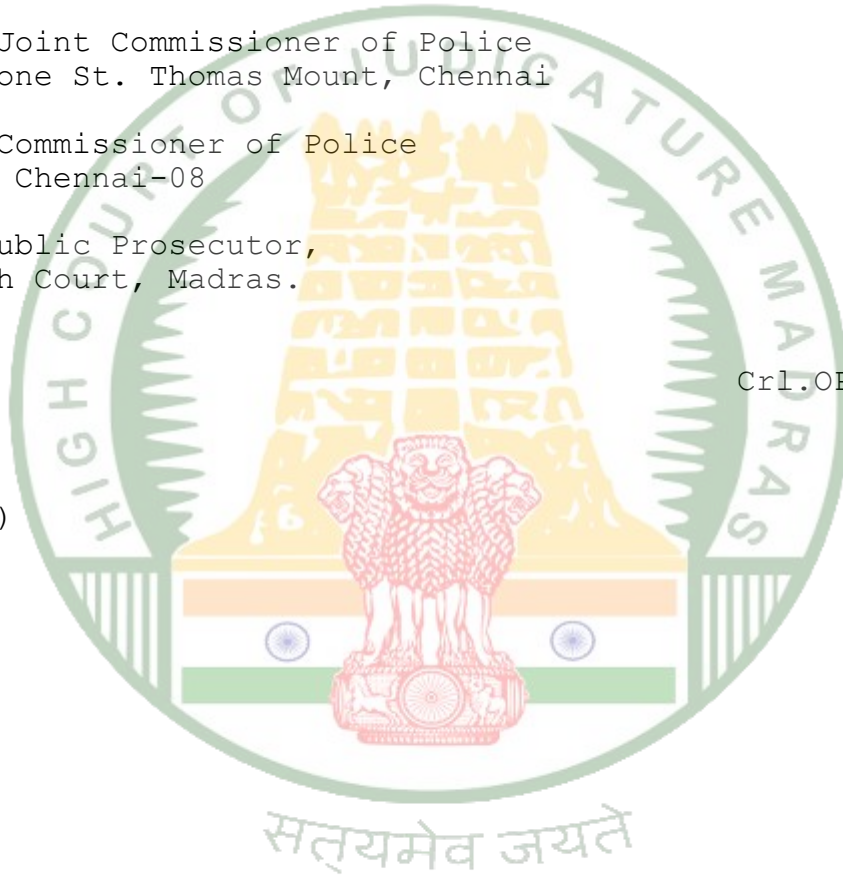
4. The Joint Commissioner of Police
South Zone St. Thomas Mount, Chennai

5. The Commissioner of Police
Egmore, Chennai-08

6. The Public Prosecutor,
High Court, Madras.

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