

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.10.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.25381 of 2015
and MP.Nos.1,2 of 2015

Hamsa Srinivasan

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Petitioner

Vs

The State rep by
The Inspector of Police,
CCB, Team-III, Egmore,
Chennai-8.

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the entire records in CC.No.12395 of 2010 on the
file of the XI Metropolitan Magistrate Court, Saidapet and quash
the same in respect of the petitioner herein.

For Petitioner : Mr.S.Abdul Vahab

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to quash the proceedings in
CC.No.12395 of 2010 on the file of the learned XI Metropolitan
Magistrate Court, Saidapet.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor for the respondent and perused the
materials placed on record.

3. It is the case of the prosecution that, the petitioner
herein and five others, had entered into a criminal conspiracy
and had floated a lay out and also issued public advertisements,
in which, they had stated that plots measuring 1200
sq.ft. for Rs.13,650/- will be sold to the subscribers, who pays
Rs.350/- per month for 39 months. Seeing the public
advertisement, about 200 people joined the scheme and they paid
the monthly instalment and after the end of the agreement
period, the accused neither registered the plots nor returned
the money. Hence, FIR was registered against them in Crime No.4
of 2007 and 200 witnesses were examined by the police. Final
report in this case was filed in CC.No.12395 of 2010 before the
learned XI Metropolitan Magistrate, Saidapet. Challenging
which, the petitioner is before this Court.

4. Learned Additional Public Prosecutor submitted that, earlier this petitioner filed a discharge application under Section 239 Cr.P.C before the Trial Court and the same was dismissed, challenging which, the petitioner filed CrI.RC.No.54 of 2014 before the learned Sessions Judge, Chennai, which also came to be dismissed, sometime in March 2015. These facts have not been disclosed in the quash petition, that has been filed by the petitioner. However, this Court went into the final report and found that there are several allegations, inasmuch as the petitioner has collected money from 200 subscribers and they have not repaid the amount, nor registered the plots as promised.

5. Learned counsel for the petitioner submitted that, on account of the land acquisition proceedings in GO.Ms.No.241 dated 19.09.2003, the petitioner was not able to convey the property.

6. In this case, the FIR is of the year 2007, which clearly shows that even after the land acquisition proceedings, that was initiated in the year 2003, till 2007, the petitioner/accused No.1 had not returned the money to the subscribers. Since there are sufficient materials for the trial to proceed, this is not a fit case to quash the prosecution. Hence, this petition stands dismissed.

7. Since the case is of the year 2010, the Trial Court is directed to proceed with the trial expeditiously, if the accused is not cooperating to conduct the trial, their bail can be cancelled as held by the Hon'ble Supreme Court in State of Uttarpradesh Vs Shambu Nath Singh reported in JT 2001[4] SC 319. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The Inspector of Police,
CCB, Team-III, Egmore,
Chennai-8.

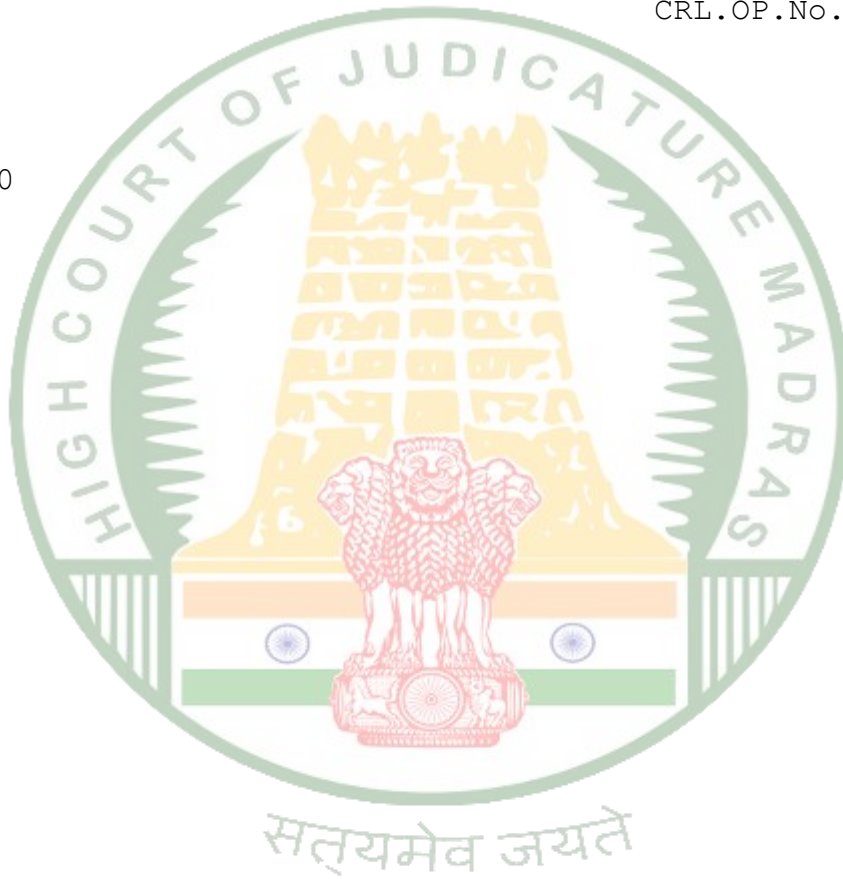
2.The Public Prosecutor,
High Court, Madras.

3. The XI Metropolitan Magistrate Court
Saidapet, Chennai-15

1 cc to Mr.S. Abdul Wahab, Advocate, Sr. 55655

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