



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P.(MD)No.5344 of 2014

and

M.P(MD)Nos.1 and 2 of 2014

1.Tr.S.Anantharaja
2.Tr.S.Raja Manickam

3.Tr.A.Sankarasubbu
Sub-Registrar(The then incumbent)
Office of Sub-Registrar,
Vallioor,
Through: The District Registrar,
Office of District Registrar,
Tirunelveli.

.. Petitioners/A-1 to A-3

.. Vs ..

Tr.S.Alangara Gruz

.. Respondent

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.686 of 2013 on the file of the Judicial Magistrate, Vallioor, Tirunelveli District and to quash the same.

For Petitioners : Mr.V.Kathirvelu,
learned Senior Counsel for
Mr.K.Prabhu

For respondent : Mr.K.K.Samy

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.686 of 2013 on the file of the learned Judicial Magistrate, Vallioor, Tirunelveli District.

2. It is seen that on 28.08.2014, the learned counsel for the petitioners has made an endorsement in the case bundle seeking to withdraw this petition in respect of the third petitioner.

3. In view of that this Criminal Original Petition is dismissed as withdrawn in respect of the third petitioner.

4. Now the learned Senior Counsel would argue this case only for the petitioners 1 and 2. He would seek to inform that the first petitioner, who was the President of Catholika Christava Nadar Mahamai Sangam at T.Kallikullam, had effected exchange of property belonging to the said Sangam to the second accused, pursuant to a resolution passed by the said Sangam, which has been duly intimated under Form No.7 to the Registrar of Societies.



5. The learned counsel for the respondent referring to the information obtained under the Right to Information Act, submits that such is not the case.

6. The learned Senior counsel for the petitioners 1 and 2 also informs that the petitioners also have sought information under the Right to Information Act, towards supporting his stand.

7. The primary accusation in the complaint preferred by the respondent is of wrongful transfer of property belonging to the Sangam having been made in favour of the second accused, who had plotted the same and earned huge profits. The complaint informs of collusion between the accused 1 and 2.

8. Given the nature of the case, this Criminal Original Petition shall stand dismissed. It is for the trial Court to decide the matter on merits. The petitioners 1 and 2 may raise all contentions before the trial Court. Considering the facts and circumstances, this Court directs the trial Court to dispense with the personal appearance of petitioners 1 and 2 before it, upon their swearing to affidavits informing their address for service, that they duly would be represented by their counsel on all hearing dates, that they would, at no instance, dispute their identity and that, they would appear before the trial court as and when required. Upon the petitioners 1 and 2 doing so, the trial court may seek the presence of the petitioners 1 and 2 before it, solely on the important hearing dates. Further, the trial Court is directed to dispose of the case, as expeditiously as possible. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To
The Judicial Magistrate,
Vallioor, Tirunelveli District.

+1cc to Mr.K.Prabhu, Advocate, SR.No.5450
+1cc to Mr.K.K.SAMY, Advocate, SR.No.5091

CRL.O.P. (MD) No.5344 of 2014
04.02.2015

pm
PA/11.02.15/2P/4C