

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No. 29330 of 2011 & M.P. No.1 of 2011

Vikash Goyal

Petitioner/Accused

vs.

- 1 State by:
Inspector of Police
(Crime Section)
M-8 Sattangadu Police Station
Suburban Chennai
Thiruvallur District 1st Respondent/Complainant
- 2 J. Suganya 2nd Respondents/Defactor Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking to call for the records from the file of the Judicial Magistrate, Thiruvottiyur, Chennai-19 relating to M-8, Thiruvottiyur Police Station Cr. No.66 of 2010 and quash the same.

For petitioner Mr. N.A. Kareem
For R1 Mr. C. Emalias
Addl. Public Prosecutor
For R2 Mr. B. Ramamoorthi

ORDER

This Criminal Original Petition has been filed seeking to call for the records from the file of the Judicial Magistrate, Thiruvottiyur, Chennai-19 relating to M-8, Thiruvottiyur Police Station Cr. No.66 of 2010 and quash the same.

2 On the complaint lodged by Suganya, the second respondent herein, the first respondent police registered a case in Cr. No.66 of 2010 on 15.03.2010 under Section 420 IPC against Vikash Goyal, challenging which, Vikash Goyal is before this Court.

3 According to the de facto complainant, the property in question in Plot No.10 in S.No.145 /1, Ernavoor Village, Ambattur Taluk, measuring 1,800 sq. ft. belongs to the family of the accused and that it was purchased by Saroja, the de facto complainant's mother on 16.04.1999. After Saroja's demise in 2004, when the de facto complainant went to the plot in 2010, she learnt that her mother Saroja has been cheated.

4 Even according to the de facto complainant, the property was purchased by her mother Saroja in the year 1999 and in the sale deed itself, it is stated that physical possession in respect of the said plot was handed over to Saroja.

5 While so, after the demise of Saroja in 2004, it is alleged by the de facto complainant in the year 2010 that the accused had not conveyed the proper title of the property to her mother Saroja.

6 In the considered opinion of this Court, given the above factual matrix, the present FIR is a clear abuse of process of law and hence, the same is quashed.

In the result, this Criminal Original Petition is allowed. Connected M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Judicial Magistrate
Thiruvottiyur
- 2 Do through The chief Judicial Magistrate
Thiruvallur District.
- 3 The Inspector of Police
(Crime Section)
M-8 Sattangadu Police Station
Suburban Chennai
Thiruvallur District

4 The Public Prosecutor
High Court of Madras
Chennai 600 104

GJ-II (CO)
BB (28/12/2016)

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