

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.29518 of 2015
and
M.P.Nos.1 & 2 of 2015

1.K.Venkateswaralu
2.P.V.Suresh Babu ... Petitioners 1 & 2/ Accused
8 & 9
Vs.,

State rep. by
Inspector of Police,
C.B.C.I.D, Headquarters,
Chennai-600 032. ... Respondent/ Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to C.C.No.9966/2009 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

For Petitioners : Mr.T.Naveen Chandar

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner praying to quash the criminal proceedings in C.C.No.9966 of 2009 pending on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai, as against the petitioners herein.

2.The petitioners herein have been arrayed as accused 8 & 9 respectively in C.C.No.9966 of 2009 pending on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai. They are facing trial for the alleged offences punishable under Section 120(B) r/w 465, 468, 467, 471, 409 & 109 IPC.

3.The case of the prosecution is that one Tmt.V.Veera Bommala Ammani Ammal (defacto-complainant), after the demise of her husband, succeeded the properties of her husband worth about Rs.4 crores as his legal heir. While the defacto-complainant

was residing in a rented house at No.2B, Vishesha Home Apartments at No.47, Ramanujam Street, T.Nagar, the 1st accused Sridhar Rao, who is her sister-in-law's son, and four others, forcibly took her to Duckili (Venkatagiri, Andhra Pradesh), and then to Badevli in Andhra Pradesh and kept her in a house under the custody of one S.M.Babu. On 8.3.2004 & 17.8.2004, they took the defacto-complainant to the Sub-Registrar Office, Virugambakkam, Chennai and they threatened and forced the defacto-complainant to sign a Deed of Power Attorney in respect of the immovable properties, inherited by her from her husband, in favour of Sridhar Rao(A1) and Subramaiah Naidu(A2). Thereafter, the defacto-complainant was taken to Guntur, Andhra Pradesh and kept in the house of the 2nd petitioner herein/A9. The jewelleryes and share certificates of the defacto-complainant worth more than several laksh, were also disposed by the accused persons. Thus, the accused persons have been charged for the alleged offences as stated supra. Now, the petitioners, who have been arrayed as A8 & A9, have come forward with the present petition seeking to quash the criminal proceedings.

4.It is the main submission of the learned counsel for the petitioners that absolutely there is no material as against the petitioners herein to implicate them with the offence. This petitioners have unnecessary been implicated in this case, without any materials. There is a common charge under Section 120(b) IPC as against all the accused persons in this case, including the petitioners herein, alleging vaguely "each one did their best as and when occasion arises". The said allegation does not satisfy the ingredients of 'criminal Conspiracy' viz., mind to commit offence or agreement to commit offence. Thus, the learned counsel for the petitioners sought for quashing the impugned criminal proceedings.

5.The learned Additional Public Prosecutor contended that there is specific allegation against the petitioners herein/A8 & A9 in the chargesheet stating that the petitioners herein conspired with the 1st accused Sridhar Rao and 2nd accused Subramaiah and took the share certificates and cheques of the defacto-complainant worth about Rs.1 crore and disposed of them by forging the complainant's signature. Further more, the petitioners herein had already filed a discharge petition in CrI.M.P.No.2414 of 2010 before the learned XI Metropolitan Magistrate, Chennai; but, the same was dismissed on 19.08.2011. The revision filed before the learned Additional Sessions Judge, Chennai, in CrI.R.C.No.127 of 2011 was also dismissed on 13.07.2015. The learned Additional Public Prosecutor has also produced the copy of the order passed by the Courts below. Thus, the learned Additional Public Prosecutor sought for dismissal of the petition.

6.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor and perused the materials available on record.

7.Considering the facts and circumstances of the case, I am of the opinion, it is not a fit case to quash the impugned criminal proceedings. It is seen that the discharge petition filed by the petitioners herein was already dismissed by the Trial Court and the revision filed by the petitioners was also dismissed. The submissions made by the learned counsel for the petitioners could serve as their defence at the time of trial, but certainly not as a ground to quash the criminal proceedings at this stage. Hence, I am not inclined to quash the impugned criminal proceedings and the petition is liable to be dismissed.

In fine, the criminal original petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

ssv

To,

1.The XI Metropolitan Magistrate,
Saidapet, Chennai

2. do thro the Chief Metropolitan Magistrate
Chennai

3.The Inspector of Police,
C.B.C.I.D, Headquarters,
Chennai-600 032.

4.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.29518 of 2015

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