



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2016

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.O.P.(MD) No.21935 of 2016
and
Cr1.M.P.(MD)No.11324 of 2016

R.Niranjan : Petitioner/Sole Accused

-Vs-

1. State rep. by
The Inspector of Police,
Central Crime Branch Unit,
Madurai City, Madurai.

2. D.Pandiyammal : Respondents/Complainants

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.127 of 2009 on the file of the Judicial Magistrate Court NO.1, Madurai and quash the same.

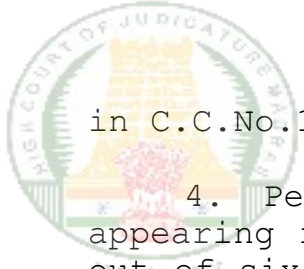
For Petitioner : Mr.R.Meenakshi Sundaram
For 1st Respondent : Mr.P.Kannithevan
Government Advocate
(Criminal side)
For 2nd Respondent : Mr.K.S.Murali

ORDER

This petition has been filed to call for the records pertaining to C.C.No.127 of 2009 on the file of the Judicial Magistrate Court No.1, Madurai and quash the same.

2.The case of the prosecution is that the accused by suppressing the mortgage of the property, entered into an agreement with the de-facto complainant and received Rs.5,10,000/- towards advance.

3. The learned counsel appearing for the petitioner would submit that even as per the de-facto complainant, in the year 2007 itself, a portion of the property was handed over to him and based on the possession certificate, he has filed a suit in O.S.No.446 of 2015 before the District Munsif Court, Madurai. So, the criminal case is an abuse of process of law and hence, the charge sheet filed



in C.C.No.127 of 2009 is liable to be quashed.

4. Per contra, learned Government Advocate (Criminal side) appearing for the 1st Respondent, on instructions, would submit that out of six witnesses, three witnesses were already examined and now the case is posted for the examination of the Investigation Officer and at this stage, the quash petition filed by the petitioner is not at all maintainable.

5. Considering the above facts, this Court is of the opinion that the case in C.C.No.127 of 2009 cannot be quashed at this stage and accordingly, this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Madurai.
2. The Inspector of Police,
Central Crime Branch Unit,
Madurai City, Madurai.
3. The Additional Public Prsecutor,
Madurai Bench of Madras High Court,
Madurai.

ER

TE/JC/SAR-I : 17/07/2017 : 2P/4C

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