

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.O.P.No.5620 of 2012

and

M.P.No.1 of 2012

1. Krishnamurthy
2. Nagaraj
3. Vijayan
4. K. Shanthakumari

... Petitioners/A1 to A4

Vs.

1. State rep. By Inspector of Police
Perianaickanpalayam Police Station,
Coimbatore.

2. P. Purushothamman .. Respondents/Defacto
Complainant

Civil Revision Petition filed under Section 482 of Code of Criminal Procedure to call for the records and quash the Charge Sheet in C.C.No.392 of 2011 pending on the file of the learned Judicial Magistrate No.VI, Coimbatore and quash the same.

For Petitioners : Mr. K. Raja
For Respondent No.1 : Mr. M. Mohammed Riyaz
Government Advocate (Crl.side)

ORDER

Criminal Original Petition has been filed under Section 482 of Code of Criminal Procedure to call for the records and quash the Charge Sheet in C.C.No.392 of 2011 pending on the file of the learned Judicial Magistrate No.VI, Coimbatore.

2. Heard learned counsel for petitioners and learned counsel for first respondent.

3. Learned counsel for the petitioners submitted that the first petitioner/Krishnamurthy has purchased the property from the rightful owners thereof and second respondent has preferred a complaint.

4. The second respondent having obtained a sale deed under one Tamilselvi, who had absolutely no right to the property, has preferred a complaint against these petitioners and pursuant to investigation, charge sheet informing commission of offence by these petitioners u/s 120(B), 467,

468, 471 and 420 IPC has been filed resulting in C.C.No.392/2011 on the file of the learned Judicial Magistrate No.VI, Coimbatore and this petition has been pending before this Court from the year 2012.

5. The charge sheet, which is challenged, is of the year 2011.

6. In such circumstances, this Court considers it appropriate to pass the following order:

(a) this Criminal Original Petition shall stand dismissed. Consequently, connected miscellaneous petition is closed.

(b) Considering the submission of learned counsel for petitioners, this Court directs the trial court to dispense with the personal appearance of petitioners before it, upon their swearing to an affidavit 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 doing so, the trial court may seek the presence of petitioners before it, solely on the important hearing dates.

(c) The Court below shall dispose of the case as expeditiously as possible and in any event not, later than six months from the date of receipt of copy of this order.

-s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.VI,
Coimbatore.
 2. The Inspector of Police
Perianaickanpalayam Police Station,
Coimbatore.
 3. The Public Prosecutor
High Court, Madras
 4. The Section Officer
Criminal Section
High Court, Madras
- +1 CC to Mr.K. Raja, Advocate sr 23235

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KJ (CO)

SP(07/07/2017)

<https://hcservices.ecourts.gov.in/hcservices/>