

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.29313 of 2017
and
CrI.M.P.No.16577 of 2017

Tmt.B.Devi ... Petitioner/2nd accused

VS

1.State, by Inspector of police,
Central Crime Branch, IX Team,
Veppery, Chennai-600 007. ... Respondent/complainant

2.C.S.Vaidyanathan ... Respondent/Defato/
complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in C.C.No.7044 of 2006 on the file of
the learned Metropolitan Magistrate, (Special Court CCB/CBCID),
Allikulam, Chennai-3 and quash the proceedings therein in so far
as it relates to the petitioner herein.

For Petitioner : Mr.A.Arasuganesan

For Respondent : Mr.C.Iyyapparaj
Addl. Public Prosecutor

O R D E R

This petition has been filed to quash the proceedings in
C.C.No.7044 of 2006 on the file of the learned Metropolitan
Magistrate, (Special Court CCB/CBCID), Allikulam, Chennai-3.

2. The petitioner is second accused in the above said crime.
She stood charged for the offence under Sections 420, 465, 468,
471 r/w 34 IPC. The allegation against the petitioner is that
the first accused in this case is husband of the petitioner.
She along with the first accused and another accused, namely,
Manohar availed housing loan from M/s.Federal Bank, Vadapalani
Branch on 14.02.2005 and they have mortgaged the title documents
against the said loan. Thereafter, the Bank came to know that
the title deed deposited by the petitioner is forged document
and a complaint has been given, and after investigation, final

report has been filed. In the circumstances, the petitioner filed the present petition to quash the entire proceedings.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the state and also perused materials available on record.

4. I have gone through entire materials available on record and I am of the opinion that a prima facie case has been made out against the petitioner and hence there is no ground to quash the proceedings. However, since the matter is pending from the year,2006, the learned Metropolitan Magistrate, (Special Court CCB/CBCID), Allikulam, Chennai-3 is directed to proceed with the trial and disposed of the same within a period of six months from the date of receipt of a copy of this order. It is open to the petitioner to file a petition to dispense with his presence and on such petition is being filed, the trial Court is also directed to consider the said petition and pass orders on merits in accordance with law.

5. With the above direction, the criminal original petition is disposed of. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

rrg

To

1.The Metropolitan Magistrate,
(Special Court CCB/CBCID),
Allikulam, Chennai-3

2.The Inspector of police,
Central Crime Branch, IX Team,
Veppery, Chennai-600 007.

3.The Public Prosecutor,
High Court, Madras.104.

GJ II(CO)
RRK(03/02/2018)

Crl.O.P.No.29313 of 2017