



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.03.2017

CORAM

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD) Nos. 4575 and 6840 of 2014
and M.P.(MD) Nos. 1 and 1 of 2014

In Crl.O.P.No.4575 of 2014:

S.Ramesh

... Petitioner/Accused No.2

-Vs-

1.The Inspector of Police,
District Crime Branch,
Madurai District.

...1st Respondent/Complainant

2.Mariappan,

... 2nd Respondent/Defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to quash the C.C.No.4/2014 pending on the file of the Learned Judicial Magistrate, No.I, Madurai.

For Petitioner

: Mr.J.Anandkumar

For R1

: Mr.K.Anbarasan

Government Advocate (Crl. Side)

For R2

: Mr.J.Ashok

For Jayapal Associates

In Crl.O.P.No.6840 of 2014:

1.A.Mohanasundaram

2.P.Dhanabalan,

3.S.Devadhas,

4.P.Shanmugam,

5.P.Sethuraman,

6.Jayamala,

7.A.Pitchai Raj,

8.T.Karthikeyan,

9.K.Jeyakumar

10.T.Senthil Arumugam,

11.T.Vasantha,

12.M.Mookammal,

13.A.Arunachalam,

14.Balamani,

15.S.Chitravelu,

16.M.Chitraiswari,

17.R.Moorthy Manikandan,

<https://hccs.cemil.in/cecs/>

19.P.Saravana Rajan

20.Jeyalakshmi,



21.Kala,
22.Dhanalakshmi

... Petitioners/Accused 1,3 to 22

-Vs-

1.The Inspector of Police,
District Crime Branch,
Sivagangai District.

..1st Respondent/Complainant

2.T.A.Mariappan

...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in C.C.No.4 of 2014 on the file of Judicial Magistrate, Court No.1, Madurai in so far as the Petitioner's are concerned.

For Petitioners	: Mr.V.Kathirvelu Senior Counsel for Mr.D.Sadiq Raja
For R1	: Mr.K.Anbarasan Government Advocate (Crl. Side)
For R2	: Mr.J.Ashok For Jayapal Associates

C O M M O N O R D E R

These Criminal Original Petitions have been filed by the petitioners to quash the proceedings in C.C.No.4 of 2014 on the file of Judicial Magistrate, Court No.1, Madurai.

2. Heard both sides.

3.The second respondent in both petitions filed a momo after giving notice to the petitioners. The learned counsel for the petitioners have no objection for filing of memo. The memo reads as follows:

The second respondent may be permitted to withdraw an amount of Rs.18,76,000/- deposited by the petitioners to the credit of Crl.O.P.No.6840 of 2014 in the following terms:

1) Without prejudice to his right to workout his remedy for claim of interest for the above said amount of Rs.18,76,000/- before the Civil Forum.

2) Without prejudice to his right to prosecute the original suit in O.S.No.128 of 2011 on the file of the District Munsif Court, Madurai Taluk.

3) Without prejudice to his right to prosecute the Writ Appeal in W.A.Nos.240 to 254 of 2016 on the file of



4. On reading of the memo and on hearing both sides, it is seen that dispute in this case was settled between the parties. Since the matter relates to execution of sale and for payment of sale consideration for the respondents etc and the matter is purely civil in nature. Hence, this Court is of the considered view that the case filed by the petitioner in C.C.No. 4 of 2014 on the file of the Judicial Magistrate No.I, Madurai is liable to be quashed and the same is quashed.

5. Further, the second respondent is at liberty to withdraw the amount, which is kept in the credit of Crl.O.P.(MD) No.6840 of 2014. The Registry is directed to issue a cheque immediately and liberty is given to the petitioner to proceed the cases as mentioned in the memo.

6. In the result, these Criminal Original Petitions are allowed. Consequently, connected M.P.(MD) Nos. 1 and 1 of 2014 are also closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Judicial Magistrate No.1, Madurai
- 2.The Inspector of Police, District Crime Branch, Madurai District.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- 4.The Inspector of Police, District Crime Branch, Sivagangai District

+One cc to Mr.D.Sadiq Raja, Advocate, SR.No.12653

CM

RL/6C/3P/MR/SRA2/28.4.2017

Crl.O.P.(MD) Nos. 4575

and 6840 of 2014

and M.P.(MD) Nos. 1 and 1 of 2014

03.03.2017