



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.1408 of 2013

and

M.P. (MD) Nos.1 and 2 of 2013

Ramar

... Petitioner/Accused No.1

Vs.

1.State rep. by

The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.

(In Crime No.248 of 2011)

...1st Respondent/Complainant

2.Velladurai

.. 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.152 of 2012, on the file of the learned Judicial Magistrate No.II, Srivilliputhur and to quash the same as illegal.

For Petitioner : Mr.G.Marimuthu

For Respondent No.1 : Mr.M.Murugan

for Mr.K.Anbarasan

Government Advocate (Crl.side)

For Respondent No.2 : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the impugned complaint in C.C.No.152 of 2012, on the file of the learned Judicial Magistrate No.II, Srivilliputhur.

2. The case of the petitioner is that one Alagammal was the original owner of the property situated in Survey No.321/1, Valaikulam Village and she has obtained title deed to the property through the registered settlement, dated 27.08.1979. She has two sons, namely, G.Subburaj and G.Ramaraj. After her demise, orally, the brothers divided the said property into two portions. Thereafter, the said Subburaj sold his portion to the petitioner/AI and the said Ramaraj executed a mortgage deed in favour of the petitioner and the petitioner is in possession and



enjoyment of the said portion of the property. Subsequently, the petitioner sold the property to the second respondent/defacto complainant herein through registered sale deed. In the meanwhile, due to some family dispute, one Sivagami, W/o.G.Ramaraj filed a suit in O.S.No.284 of 2002, before the Principal District Munsif Court, Srivilliputhur for maintenance and also to create the charge over the suit scheduled property situated in Survey No.321/1, Valaikulam Village, and for other reliefs. The suit was decreed in favour of her. Thereafter, one Ayyaparaj purchased the said property through Court auction and the Trial Court has also issued a sale certificate in favour of him and then, the auction sale through Court for the said property was informed to the defacto complainant by the said Ayyaparaj. Subsequently, the defacto complainant lodged a complaint before the respondent police alleging that even though the first accused know about the pendency of the civil suit, has suppressed the said facts and sold the property to him. Since no action was taken by the respondent police, he filed a private complaint before the learned Judicial Magistrate No.II, Srivilliputhur and on the direction of the trial Court the second respondent police filed the case in Crime No.248 of 2011 against the accused persons. Hence, this present petition.

3. Though the learned counsel for the petitioner raised several grounds for quashing the case in C.C.No.152 of 2012, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioner to raise all the grounds raised in this petition before the trial Court.

4. I have heard the learned Government Advocate (Crl.side) appearing for the first respondent, who has also conceded the request made by the learned counsel appearing for the petitioner.

5. In the light of the above said submission made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the learned Judicial Magistrate No.II, Srivilliputhur, to complete the trial in C.C.No.152 of 2012, within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

1. The Judicial Magistrate No.II,
Srivilliputhur.

2. The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO M/S.G.M.Law Officee , Advocate in SR No. 92661

PJL

AE/KK/SAR1/11.01.2018/3P/5C

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