

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.No.17775 of 2011
and
Crl.M.P.No.1 of 2011

1. N.J.R.Jagadish

2. All India and Overseas Arbitration committee,
represented by its Trustee, A.R.Chandran,
s/o Angamuthu, aged 44 years,
No.1246, KRS Building,
Mettupalayam Road, Coimbatore
... Petitioners/17th and 18th accused

//vs//

Vinod B.Daswani Respondent/ Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records and quash the complaint in C.C.No.141 of 2011, on the file of the Judicial Magistrate-VII, Coimbatore, for the alleged offences under Sections 120-B, 420, 467, 468, 471 and 109 IPC.

For Petitioners : Mr.K.Surendar

For Respondent : Mr.M.A.Mudimannan

ORDER

Heard Mr.K.Surendar, learned counsel appearing for the petitioners and Mr.M.A.Mudirvennan, learned counsel appearing for the respondent.

2. The respondent herein filed a private complaint under Section 200 of Cr.P.C. against 18 accused including the present petitioners (A17 and A18) for the alleged offences punishable under Sections 120-B, 420, 467, 468, 471 and 109 IPC. Seeking to quash the said case against the petitioners, the present petition has been filed under Section 482 of Cr.P.C.

3. The primordial submission of the learned counsel appearing for the petitioners is that as far as the first petitioner is concerned, he is only an arbitrator and that he has been shown as an accused in the private complaint filed by the respondent herein and on this sole ground alone, the private complaint is liable to be quashed.

4. In the complaint filed by the respondent before the Judicial Magistrate No.VII, Coimbatore, it is specifically averred that the first petitioner herein posing himself as a judge at Coimbatore had passed three judgments in respect of the properties purchased by the respondent herein conspiring with the accused No.1 to 16. The 2nd petitioner herein(18th accused) is stated to be an organization, known as All India Overseas Arbitration Committee and the same is represented by one A.R.Chandran.

4. Mr.M.A.Mudirvenan, learned counsel appearing for the respondent would submit that a Division Bench of this court has directed the All India Overseas Arbitration Committee not to function as a parallel court and that this order came to be passed in a public interest litigation. Though the learned counsel appearing for the petitioner contended that the first petitioner is only an arbitrator and that he is innocent, the allegations found in the compliant prima faice show that the first petitioner is not innocent, as projected by the learned counsel for the petitioner. The very fact that the First Bench has issued a direction in public interest litigation that these people are running parallel court would go to show as to how these people are acting in Coimbatore. Apart from that even without hearing the respondent/ complainant, alleged judgements have been passed by the first petitioner. Therefore, since there are sufficient materials to allow the prosecution to go, it is for the petitioners to prove their innocence before the trial court by facing trial. Therefore, I do not find any reason to allow the petition.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected criminal miscellaneous petition is closed. The learned Judicial Magistrate No.VII Coimbatore is directed to dispose of the case in C.C.No.141 of 2011 on merits, within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mst

To

The learned Judicial Magistrate No.VII,
Coimbatore.

+1cc to Mr.K.Jayachandran, Advocate Sr.No.26754

SR(CO)

sm:2.5.2018

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

CrL.O.P.No.17775 of 2011