



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P. (MD) No.14874 of 2015

and

M.P (MD) Nos. 1 and 2 of 2015

K.Chandra Sekaran

... Petitioner

-vs-

A.Raman

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in C.C.No.118 of 2013 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the same.

For Petitioner : Mr.R.Anand

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.118 of 2013 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

2.The respondent has filed C.C.No.118 of 2013 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District against the petitioner for the offences punishable under Sections 406, 408, 420, 467, 468 and 120(B) of I.P.C. The allegation made by the respondent is that there was a trust by name Vanika Vysiar Trust in Paramakudi which owned quite a few properties and was discharging charitable functions. The petitioner and others have started another trust in the very same name on 08.06.2011. The allegation of the respondent is that the petitioner and other have intention to grab the trust properties. Therefore, this prosecution was launched. To quash the same, this petition has been filed.

3. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that they would have the trust deed that was formed on 08.06.2011 cancelled. In this regard, the cancellation deed dated 12.07.2018 was also executed by the petitioner herein. But, then they are unable to produce the original trust deed dated 08.06.2011. The said cancellation document could not be registered.



4.This Court gave a direction to the learned Judicial Magistrate, Paramakudi for return of the said document. The learned Judicial Magistrate, Paramakudi has informed this court that the original trust deed dated 08.06.2011 is presently in the registry of this Court since Crl.OP(MD)No.4874 of 2015 was filed and this Court since Crl.O.P.(MD)No.4874 of 2015 was filed and this records was called for. Since the petitioner has categorically affirmed before this Court that the Trust deed dated 08.06.2011 will be formally cancelled and that they have already executed a cancellation deed in this regard.

5.This Court is of the view that this undertaking can be recorded and the impugned C.C.No.118 of 2013 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District can be quashed. Accordingly, it is quashed. It is made clear that it is only for the petitioner to take appropriate steps and have the cancellation deed registered. This shall be done within a period of three months from the date of receipt of a copy of this order. The Sub Registrar, Paramakudi is directed to register the cancellation deed dated 12.07.2018 executed by the petitioner herein. The Sub Registrar, Paramakudi need not insist on the original trust deed to act in the matter. He can act based on the certified copy of the document dated 08.06.2011 (Document No.515 of 2011) on the file of the Sub Registrar, Paramakudi.

6.Recording the undertaking of the petitioner and subject to the direction above given, this petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate, Paramakudi,
Ramanathapuram District.
2. The Sub Registrar, Paramakudi.

DAS
TE/SV/SAR-4 : 05/12/2018 : 2P/3C

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