



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAMCrl.O.P.(MD) No.3862 of 2018andCrl M.P.(MD)No. 1878 of 2018

M.Rajagopal

... Petitioner/Accused

-Vs-

1.The State rep. by
The Inspector of Police,
E3 Anna Nagar Police Station,
Madurai City, Madurai.
(In Crime No.1120/2012)

... Respondent/ Complainant

2.R.Valli

... Respondent/ De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.52 of 2015 on the file of the learned Judicial Magistrate Court No.VI, Madurai and quash the same.

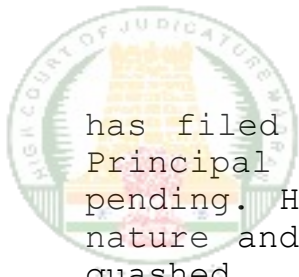
For Petitioner : Mr.S.Sivaprakash

For 1st Respondent : Mr.Prabhu Ramachandran
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed by the accused, to quash the proceedings in C.C.No.52 of 2015 on the file of the learned Judicial magistrate No.VI, Madurai.

2.The learned counsel appearing for the petitioner has submitted that one Padmavathi has executed a will in respect of certain property in favour of the petitioner herein and one Baskaran also claimed right over the said property by saying that the said Padmavathi executed a will in his favour. He further submitted that the said Baskaran has executed a settlement in favour of his sister namely Latha. The said Latha executed a power of attorney in favour of his husband namely Ramachandran. The said Ramachandran inturn executed a sale deed in favour of the defacto complainant/ 2nd respondent. He further submitted that already the petitioner herein



has filed a civil suit in O.S.No.1723 of 2006 on the file of the Principal District Munsif Court, Madurai and the same is still pending. He further submitted that the dispute is purely civil in nature and hence, the proceedings in the aforesaid case has to be quashed.

WEB COPY

3.The learned Government Advocate (Crl.Side) has submitted that the second respondent herein has filed Crl.OP(MD)No.13699 of 2017 before this Court, in which, this Court directed the learned Judicial Magistrate No.VI, Madurai, to complete the trial and dispose of the case in C.C.No.52 of 2015 within a period of six months from the date of receipt of copy of the said order. The learned Judicial Magistrate has examined Pws 1 to 8 and the petitioner herein also cross examined Pws 1 to 4 and remaining witnesses have not been cross examined. He further submitted that the case is now posted to 22.03.2018 for cross examination of PWs 5 to 8. He further submitted that totally 9 witnesses have been examined and only one more witness that is investigating officer alone has to be examined. Under the said circumstances, he strongly opposed this petition.

4.This Court in Crl.OP.(MD)No.13699 of 2017 by an order dated 11.10.2017, directed the learned Judicial Magistrate No.VI, Madurai to complete the trial and dispose of the case in C.C.No.52 of 2015 within a period of six months from the date of receipt of the said order. The learned Judicial Magistrate also has examined Pws.1 to 8 and the petitioner herein has cross examined Pws. 1 to 4 and now, the case is posted to 22.03.2018 for cross examination of Pws 5 to 8 and thereafter, only one witness that is investigating officer alone has to be examined. So, the learned Judicial Magistrate himself, will dispose of the aforesaid case within a short period. Under the said circumstances, this Court is of the view that the present petition is not maintainable and the same is liable to be dismissed. The petitioner is directed co-operate for the early disposal of the case, as per the order of this Court in Crl.OP(MD)No.13699 of 2017.

5.In the result, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.P.(MD)No. 1878 of 2018, is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

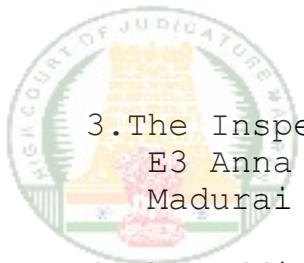
Sub Assistant Registrar

To

1. The Judicial Magistrate Court No.VI,
Madurai.

2. The Chief Judicial Magistrate,

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



3.The Inspector of Police,
E3 Anna Nagar Police Station,
Madurai City, Madurai.

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

+1CC M/S.S.SIVAPRAKASH, ADVOCATE, SR NO.56510

Cr1.O.P.(MD) No.3862 of 2018

and

Cr1 M.P.(MD)No. 1878 of 2018

20.03.2018

das

MS/SKN-RSK/SAR-1/19.04.2018/3P.6C