



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP(MD).No. 14629 of 2013

and

MP(MD)Nos.1 and 2 of 2013

Ramanathan

...Petitioner/2nd accused

Vs.

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

...Respondent/Complainant

2. Vellaichamy

...Respondent/Defacto complainant

PRAYER: This Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the proceedings in C.C.No.177 of 2012 on the file of the learned Judicial Magistrate-I, Madurai and quash the same.

For Petitioners : Mr. C.Jegannathan
for M/s.Veera Associates

For Respondent-1 : Mr.A.Robinson
Government Advocate (Crl.Side)

For Respondent-2 : No Appearance

ORDER

The petitioner has filed this Original Petition for quashing the proceedings in C.C.No.177 of 2012 on the file of the learned Judicial Magistrate-I, Madurai.

2. Though the name of the 2nd respondent/defacto complainant appears in the cause list, he has not chosen to enter appearance.

3. The defacto complainant is one Vellaichamy and his grievance is that the property that belongs to him is the subject matter of the mortgage deed which was executed by A1 on 26.09.1990 in favour of the petitioner herein.

4. The learned counsel for the petitioner affirms that he is only a mortgagee and that he took mortgage without notice of any claim by the 2nd respondent herein. On instructions from the petitioner, he would further affirm that the petitioner will have no claim on the property. He further affirms that if he is called upon by the Court below, he would enter the witness box and confirm the said facts.



5. The prosecution case is only as regards the transaction in respect of the property owned by 2nd respondent. The petitioner is a only mortgagee and he has also given up his claim on the property in question, in favour of the 2nd respondent.

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6. This Court find that no purpose will be served, if the proceeding continuous against the petitioner. It is made clear that since the main allegation is only against A1, the FIR is quashed in so far as the petitioner alone.

7. This Criminal Original Petition is allowed accordingly. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate-I,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai District.

+1cc to M/s.Veera Associates, Sr.No.61106

KSA

VB/JC/SAR4/07/05/2018/2P/4C

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