



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.04.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. OP (MD)No.18675 and 21160 of 2013
and
MP(MD)No.1 & 2 and 1 & 2 of 2013

Crl OP(MD)No.18675 of 2013 :

1.Sundarajan
2.Vikramaraja
Senthilkumar
Vs.
... Petitioners
... Respondent

Crl OP(MD)No.21160 of 2013 :

R.Henry Thomas
Vs.
1.G.Senthilkumar
2.Ranjithakani
3.Muniammal
4.S.P.J.Sundarajan
5.A.Jeya Shunmugaraja
6.M.Vikaramaraja
7.M.N.V.Sudahar
... Petitioner
... Respondents

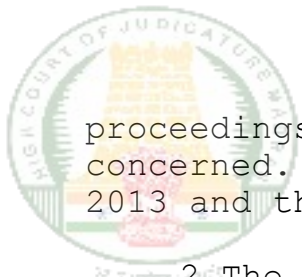
Common Prayer : These Criminal Original Petitions are filed Under Section 482 of Criminal Procedure Code to call for the records relating to the proceedings in C.C.No.181 of 2013 on the file of the learned Judicial Magistrate No.I, Thoothukudi and quash the same as against the petitioners are concerned.

Crl. OP (MD)No.18675/2013
For Petitioners : M/s.Deenadhayalan
For Respondents : Mr.S.Muthalraj

Crl. OP (MD)No.21160/2013
For Petitioner : M/s.N.Anandakumar
For Respondents : Mr.S.Muthalraj for R1
Mr.S.Deenadhayalan for R4
R2-NA

COMMON ORDER

One Senthilkumar filed a private complaint in CC.No.181 of 2013 on the file of the learned Judicial Magistrate No.I, Tuticorin arraying as many as eight persons as accused. The learned Trial Magistrate took the complaint on file and issued summons. The fifth accused in the said private complaint filed Crl OP(MD)No.17707 of 2013 before this Court. By order dated 02.07.2014, the impugned



proceedings has been quashed insofar as the fifth petitioner was concerned. Subsequently, the eighth accused also filed 18507 of 2013 and the same was allowed by this Court on 11.04.2018.

2. The petitioners in CrI OP(MD)No.18675 of 2013 are the subsequent purchasers. The petitioner in CrI OP(MD)No.21160 of 2013 is the power of attorney of the subsequent purchasers. The eighth accused in this case was the ultimate purchaser. In this case, the case of the defacto complainant is that the property that belongs to him had been purchased by the accused herein by creating fraudulent documents. In fact, the accused A1 to A3 herein had purchased the said property from one Sivanendha Perumal in the year 1997. Thereafter, A1 to A3 sold the property in favour of the A4 to A6. A4 to A6, through the power of attorney A7, sold the property in favour of the eighth accused.

3. As already pointed out, the fifth accused in this case has filed CrI OP(MD)No.17707 of 2013. By order dated 02.07.2014, this Court followed the decision of the Hon'ble Supreme Court reported in (2009) 3 SCC (Cri) 929 (Mohammed Ibrahim and others vs. State of Bihar and another). In fact, this Court has also quashed the proceedings at the instance of the fifth accused following the aforesaid judgment.

4. The case on hand is squarely covered by the aforesaid decision. Therefore, this Court quashes the impugned proceedings in CC.No.181 of 2013 on the file of the learned Judicial Magistrate No.I, Thoothukudi. These Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Thoothukudi.

+2CC to M/s.S.DEENADHAYALAN, Advocate, SR.Nos. 62104,62105

+1CC to Mr.V.MALAIYENDRAN, Advocate, SR.No.62035

+1CC to Mr.S.MUTHALRAJ, Advocate, SR.No.62099

CrI. OP (MD)No.18675 and
21160 of 2013 and
MP(MD)No.1 & 2 and
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