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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2018

CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.20542 of 2013
and
MP(MD)Nos.1 & 2 of 2013

1.R.Raveendran
2.K.Vellaichamy
3.B.Vadivel
4.T.Balakrishnan
5.K.Baskaran
6.S.Pitchai Mani
7.V.Kathiresan

... Petitioners/Accused

Vs.

A.Raman

... Respondent/Complainant

Prayer : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the case in C.C.No.118 of 2012 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the same.

For Petitioners : Mr.R.Anand
For Respondent : Mr.R.Gandhi

ORDER

The respondent has filed CC No.118 of 2012 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District against the petitioners for having committed the offences under Sections 406, 408, 420, 467, 468 and 120(B) of IPC. 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 petitioners herein have started another trust in the very same name on 08.06.2011. The allegation of the respondent is that the petitioners have an intention to grab the trust properties. Therefore, this prosecution was launched. To quash the same, this petition has been filed.

2.Heard the learned counsel on either side.

3.When the matter was taken up for hearing, the learned counsel for the petitioners on instructions from the petitioners 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 petitioners 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 CrI OP(MD)No.4874 of 2015 was filed and this record was called for. Since the petitioners have 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 2012 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 petitioners 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 petitioners 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 petitioners and subject to the direction above given, this petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Paramakudi, Ramanathapuram District

2. The Sub Registrar, Paramakudi.

COPY TO:

The Record Keeper,
Criminal Records,

<https://hcservices.ecourts.gov.in/hcservices/>
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**



+1cc to M/S.R.Gandhi, Advocate SR.No. 75975
+1cc to M/S.R.Anand, Advocate SR.No. 76376

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JM/RP/SAR 3/27.08.2018/3P/7C