

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM:

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

CRL.O.P.No.668 of 2019

and

Crl.M.P.Nos.420 of 2019

1.P.Chellamuthu
2.Selvi
3.C.Selvakumar

... Petitioner

Vs.

1.The State rep. by,
The Inspector of Police,
Rathinapuri Police Station,
Coimbatore.
(Crime No.919 of 2018).

2.G.K.Venkatesh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in the C.C.No.249 of 2018, on the file of the Judicial Magistrate-II, Coimbatore and quash the same.

For Petitioners: Mr.W.Camyles Gandhi

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : Mr.C.Mohan Raj

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.249 of 2018, on the file of the Judicial Magistrate-II, Coimbatore.

2.The learned Counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.919 of 2018 for the offence under Section 420 of IPC, as

against the petitioner and filed charge sheet in C.C.No.249 of 2018 before the Judicial Magistrate No.II, Coimbatore. Hence he prayed to quash the same.

3.The learned counsel appearing for the 2nd respondent submit that the 1st petitioner and the 2nd respondent were entered into a lease agreement for a consideration of Rs.5,00,000/- (Rupees five lakhs) and the duration for the 2nd respondent to utilize the possession of the 1st petitioner's property was fixed as eleven months in the unregistered lease deed dated 22.02.2016. Further, when the 2nd respondent approached the petitioners for refund of his lease amount, the petitioners are refused to return the same and cheated the 2nd respondent. Therefore, he prayed to dismiss this petition.

4.It is seen from the charge there are specific averments to attract the offences as against the 1st petitioner. In respect of 2nd and 3rd petitioners/A2 & A3, they are not a parties to the lease agreement and nothing to do with the same. Even, according to the defacto complainant, the 1st petitioner/A1 only received the money and entered into the lease agreement. Hence, the proceedings against the 2nd and 3rd petitioner/A2 & A3 is liable to be quashed for the offences under Section 420 of IPC.

5.Accordingly, the proceedings in C.C.No.249 of 2018 as against the 2nd and 3rd petitioner/A2 & A3, on the file the Judicial Magistrate Court No.II, Coimbatore stands quashed and the Criminal Original Petition is partly allowed. In respect of the 1st petitioner/A1 stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

vv2

To

1.The Judicial Magistrate Court No.II,
Coimbatore.

2.do thro' The Chief Judicial Magistrate,
Coimbatore.

3.The Inspector of Police,
Rathinapuri Police Station,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.W.Camyles Gandhi, Advocate, Sr.No. 3835

CRL.O.P.No.668 of 2019

NMI (CO)
CSL/01.06.2019



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