

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2953 of 2019

and

Crl.M.P.No.1972 & 1973 of 2019

1. Vijaya Reddy @ Vijayakumari
2. J.Kamal Kumar .. Petitioners

Vs

1. State represented by
Station House Officer, (DCB)
Anti Land Grabbing Special Cell,
Kancheepuram District.
2. K.Alagiriswami ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.134 of 2017 on the file of the Hon'ble Judicial Magistrate Court No.2, Chengalpattu, Quash the same.

For Petitioner : Mr.B.Shankaralingam

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

For R2 : Mr.R.Kannan

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O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.134 of 2017 on the file of the Hon'ble Judicial Magistrate Court No.2, Chengalpattu.

2. It is seen that the petitioners are arrayed as A1 and A2 in Crime No.124 of 2011 for the offence under Sections 465, 467, 468 and 471 of IPC r/w Section 34 of IPC. There are totally 7

accused. The allegation is that the A4 to A7 executed power of attorney in respect of the disputed property belongs to the complainant in favour of the 3rd accused. In turn, the 3rd accused executed sale deed dated 28.09.2010 in favour of the 2nd petitioner/2nd accused. 1st petitioner/1st accused stood as witness to the sale deed. After charge, the 2nd petitioner/2nd accused cancelled the sale deed executed in his favour on 20.08.2014. Admittedly, the 2nd petitioner/2nd accused is a bonafide purchaser, who purchased the disputed property from A3 on the strength of the power of attorney. After A2 came to know that the property does not belong to A4 to A7, immediately the petitioners herein have taken steps to cancel the sale deed. Accordingly, the sale deed in favour of the 2nd petitioner was cancelled by the cancellation dated 20.08.2014. Therefore, the 2nd petitioner/2nd accused is a bonafide person and both the petitioners herein had absolutely no knowledge and were not involved in the crime.

3. Considering the facts and circumstance of the case, the petitioners need not undergo the ordeal of facing a criminal trial, since, the entire process as against the petitioners is clear abuse of process of law. The Court is inclined to quash the proceedings as against the petitioners alone, to meet the end of the justice. Accordingly, the petition is allowed and the proceedings in C.C.No.134 of 2017 on the file of the Judicial Magistrate Court No.2, Chengalpattu is quashed, in so far as the petitioners alone are concerned. In so far as the other accused persons, as per the charge as such, the trial Court is directed to complete the trial in C.C.No.134 of 2017 within a period of three months from the date of receipt of a copy of this order.

4. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

ssr/rri

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate Court No.2,
Chengalpattu

2. The Inspector of Police,
E-8, Kelambakkam Police Station,
Thirupporur Taluk
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

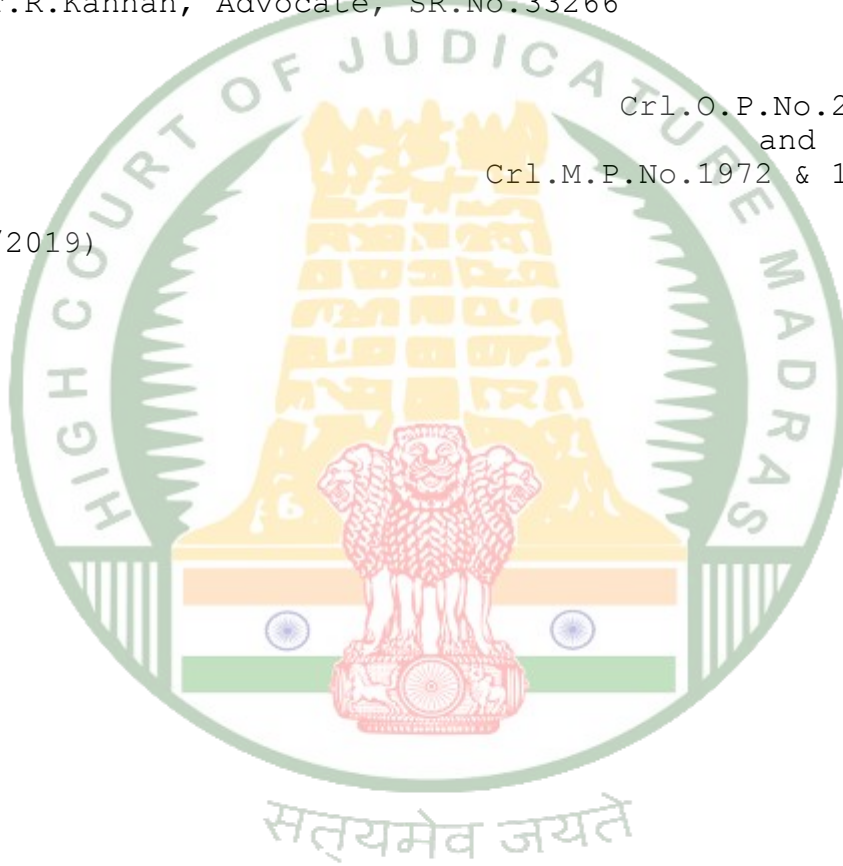
+1cc to Mr.B.R.Shankaralingam, Advocate, SR.No.32595

+1cc to Mr.R.Kannan, Advocate, SR.No.33266

Crl.O.P.No.2953 of 2019
and

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Kak (28/05/2019)



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