

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10603 of 2014
and Crl.M.P.No.1 of 2014

V.Krishnan

... Petitioner/Accused

Vs.

V.Suresh

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and Quash the Criminal Complaint preferred by the respondent in C.C.No.138 of 2009 pending before the Judicial Magistrate II, Poonamallee.

For Petitioner : M/s.M.Liagat Ali

For Respondent : No Appearance

ORDER

This petition has been filed to call for the records and Quash the Criminal Complaint preferred by the respondent in C.C.No.138 of 2009 pending before the Judicial Magistrate II, Poonamallee.

2. The learned counsel for the petitioner would submit that the petitioner purchased a vacant land in Plot in 166 and 167 at Nerkundram, Chennai through a registered power agent of the original owner of the said property in the year 2006, and the petitioner is paying property tax for the house constructed at that place. While being so, the respondent has filed this false complaint in the year 2009 stating that he is the original power agent and as if the petitioner trespassed and encroached the property on 15.03.2009 and used filthy language against him. He further submits that the same respondent has also filed a suit in O.S.No.477 of 2013 before the learned District Munsif Court, Poonamallee against the petitioner and three others in respect of the very same property as such he prayed for quashment of proceedings in C.C.No.138 of 2009 pending before the Judicial Magistrate II, Poonamallee.

3. It is seen that the respondent claims to be the original power agent of the owner of the said property. He also filed a suit in O.S.No.477 of 2013 claiming right over the said property against the petitioner in respect of the very same property. The respondent can very well establish his right over the said property through necessary documents before the trial court as such this Court is inclined to allow the prayer sought for by the petitioner.

4. Accordingly, the proceedings in C.C.No.138 of 2009 pending before the Judicial Magistrate II, Poonamallee is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

pds/lok

To

The Judicial Magistrate II,
Poonamallee.

+1cc to Mr.M.Liagat Ali, Advocate, S.R.No. 16256

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SJ(CO)
GN(26/03/2019)

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