

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 07.03.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.18482 of 2014
and
M.P.No.1 of 2014

Hakim .. Petitioner/1st Accused

Vs.

1. V.Suresh ..1st Respondent /Complainant

2. S.Krishnan ..2nd Respondent/2nd Accused

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the criminal complaint preferred by the 1st respondent in C.C.No.137 of 2009 pending before the Judicial Magistrate II, Poonamallee.

For Petitioner : Mr.M.Liagat Ali

For Respondents: No appearance

O R D E R

This petition has been filed to call for the records and Quash the Criminal Complaint preferred by the first respondent in C.C.No.137 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 No. 155 measuring about 600 square feet at Nerkundram, Chennai through a registered power agent of the original owner of the said property in the year 2005, and the petitioner is paying property tax for the house constructed at that place. While being so, the respondents have filed this false complaint in the year 2009 stating that they are the original power agents 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 respondents has also filed a suit in O.S.No.477 of 2013 before the learned District Munsif Court, Poonamallee against the petitioner in respect of the very same property as such he prayed for quashment of proceedings in C.C.No.137 of 2009 pending before the Judicial Magistrate II, Poonamallee.

3. It is seen that the respondents claims to be the original power agents 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 petitioner is a bonafide purchaser and he is in possession and enjoyment of the property. All revenue records are marked in his favour. Admittedly, the vendor of the petitioner namely, power holder of the property is not impleaded as an accused. After lapse of five years, the present complaint has been lodged. Therefore, the present impugned complaint is clear abuse of process of Court and it is liable to be quashed. The respondents can very well establish their 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, this Criminal Original Petition is allowed and the proceedings in C.C.No.137 of 2009 before the Judicial Magistrate II, Poonamallee is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

The Judicial Magistrate No.II,
Poonamallee.

Cr1.O.P.No.18482 of 2014
and

M.P.No.1 of 2014

A.SK(06/05/2019)

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