

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.02.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No. 19724 of 2014
and M.P.No. 1 of 2014

Devaneethi

...Petitioner

Vs.

1. The State rep by,
The Inspector of Police,
V.3, J.J.Nagar Police Station,
Chennai - 600 050.

2. Th.Ismail

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings in C.C.No.424 of 2003 on the file of the Judicial Magistrate at Ambattur.

For Petitioner : Mr.R.Karunagaran

For Respondents

For R1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.424 of 2003 on the file of the Judicial Magistrate at Ambattur, thereby taken cognizance for the offences under Sections 447, 427 and 506(ii) of IPC.

2. The learned Counsel appearing for the petitioner would submit that the petition is an innocent person and he has not committed any offence as alleged by the prosecution. The defacto complainant suppressed the earlier suit in O.S.No.66 of 2001 in which, the decree and judgment have been passed against him. Thereafter, he filed another suit in O.S.No.237 of 2001 and obtained interim order restraining the petitioner from interfering with the suit property. Now the defacto complainant lodged a complaint that the petitioner trespassed into the property and damaged the name board and intimidated him with dire consequences. Hence, he prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that the trial was commenced and P.W.1 was also examined. At this stage the proceedings cannot be quashed. Therefore, he sought for dismissal of this petition.

4. Heard Mr.R.Karunagaran, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent.

5. It is seen from the submission of the learned Additional Public prosecutor the trial proceedings have been commenced and P.W.1 was examined. At this stage, this Court is not inclined to quash the proceeding in C.C.No.424 of 2003 on the file of the Judicial Magistrate at Ambattur. However, considering the facts and circumstances of the case, the trial Court is directed to complete the trial process in C.C.No.424 of 2003, within a period of three months from the date of receipt of copy of this Order.

6. With the above observations, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rts

To

1.The Judicial Magistrate, Ambattur.

2.do Thro Chief Judicial Magistrate,
Thiruvallur District.

3.The Inspector of Police,
V.3, J.J.Nagar Police Station,
Chennai - 600 050.

4.The Public Prosecutor,
High Court,
Madras.

Crl.O.P.No. 19724 of 2014
and M.P.No. 1 of 2014

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nr 25/03/2019