

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM:

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

CRL.OP.No.2496 of 2017

Devadoss Reddy

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
CBCID Police Station,
Thiruvallur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set-aside the dismissal order dated 03.08.2016 made in Crl.R.C.No.2 of 2016 on the file of Principal District and Sessions Judge, Thiruvallur and consequently set-aside the dismissal order passed by the Judicial Magistrate No.1, Thiruvallur in the Discharge Petition in C.M.P.No.2341 of 2015 in C.C.No.206 of 2014 dated 31.12.2015.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

The Criminal Original Petition has been filed to set aside the dismissal order dated 03.08.2016 made in Crl.R.C.No.2 of 2016, on the file of the learned Principal District and Sessions Judge, Tiruvallur and consequently set aside the dismissal order passed by the learned Judicial Magistrate No.1, Tiruvallur in the Discharge Petition in C.M.P.No.2341 of 2015 in C.C.No.206 of 2014 dated 31.12.2015.

2.The learned counsel for the petitioner submitted that the the petitioner arrayed as A1 in this case. The defacto complainant namely, Kalyanasundaram lodged a complaint before the Respondent Police against the petitioner and 4 others. The defacto complainant alleged that he had purchased a property measuring an extent of 4717 Sq.ft. in Survey No.1392/1B, 1392/2B of Vallur Village, Ponneri Taluk, Thiruvallur District. The

defacto complainant further alleged that when he and one Sathiyannarayana went to visit the property, the Indian Oil Corporation board was kept there and when they enquired about the same, they were threatened in the name of the petitioner and hence, he lodged the complaint against the petitioner and others.

3.The learned Government Advocate (Criminal Side) submitted that on the basis of the complaint, a case in Crime No.349 of 2010 was registered for the offence punishable under Sections 447, 294(b), 419, 420 and 506(ii) of IPC @ 120(B), 420, 468 r/w. 471 of IPC by the CBCID Police, Thiruvallur. Subsequently, the Respondent CBCID Police filed final report before the Judicial Magistrate Court No.1, Thiruvallur and the same was taken on file in C.C.No.206 of 2014.

4.Heard, R.Sasikumar, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate (Criminal Side) for the respondent and perused the materials available on record.

5.The relevant portion of the order dated 03.08.2016 made in CrI.R.C.No.2 of 2016, passed by the learned Principal District and Sessions Judge, Thiruvallur is extracted hereunder:

"This Criminal Revision Petition taken up for hearing today Revision Petitioner called absent since 11.07.2016. No representation. Hence the Criminal Revision Petition is dismissed."

6.The relevant portion of the order 31.12.2015 in C.M.P.No.2341 of 2015 in C.C.No.206 of 2014 dated 31.12.2015, passed by the learned Judicial Magistrate No.I, Tiruvallur.

"The argument of the petitioner that with due notification in paper, made in Hindu paper before transferring ownership to I.O.C. will clearly show that all the legal formalities were done and hence there is no conspiracy hatched in this case cannot be accepted. In this case the prosecution has filed enough materials to hold prima facie case with respect to ownership of the said survey nos belongs to defacto complainant which is evident from records.

Considering the same this court comes to the conclusion that the prima facie case against this petitioner is made to take cognizance. The alleged conspiracy of the accused, Whether it is true or false will come in to the light only after the full fledged trial. On perusal of 161 statements of witnesses and documents filed in support of the prosecution there is a prima facie case against the accused and the voice of the prosecution cannot be throttled at this stage.

In fine the petition stands dismissed."

7. In view of the above, this Court finds no infirmity or irregularity in the order dated 03.08.2016 made in Crl.R.C.No.2 of 2016, on the file of the learned Principal District and Sessions Judge, Tiruvallur and order passed by the Judicial Magistrate No.1, Tiruvallur in the Discharge Petition in C.M.P.No.2341 of 2015 in C.C.No.206 of 2014 dated 31.12.2015. Therefore, this Court is not inclined to set aside the same.

8. With the above observation, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Inspector of Police,
CBCID Police Station,
Thiruvallur District.
2. The Principal District and Sessions Judge,
Thiruvallur.
3. The Judicial Magistrate No.I, Thiruvallur.
4. The Public Prosecutor, High Court, Madras.

Copy To: The Section Officer,
Criminal Section, High Court, Madras.

CRL.OP.No.2496 of 2017

CSL/26.06.2019

WEB COPY