

Crl.O.P.No.31119 of 2019
and
Crl.M.P.Nos.17650 and 17651 of 2019

P.RAJAMANICKAM.J.,

The learned counsel for the petitioner submitted that the petitioner is the power agent of A3 and the said A3 is the land owner. He further submitted that A1 is the builder and A4 is a LIC agent.

2. He further submitted that already on behalf of the land owner (A3), the petitioner herein had filed a suit in O.S.No.468 of 22016 on the file of the Additional Munsif, Alandur against the 1st respondent herein and two others for the relief of permanent injunction and the said suit is still pending. He further submitted that in the said suit, the 1st respondent herein after the receipt of the summons has filed an application under Section 8 of the Arbitration and conciliation Act, 1996 in I.A.No.786 of 2018 to dismiss the suit. That petition is still pending.

3. He further submitted that suppressing all these facts, the 1st respondent has lodged a private complaint before the Judicial Magistrate, Alandur requesting the said Magistrate to send a complaint to the Inspector of Police Madippakkam for investigation under Section 156 (3) Cr.P.C., But the learned Judicial Magistrate has taken the case on file in C.C.No.535 of 2018 without

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getting any report from the Police or conducting any enquiry under Section 202 Cr.P.C. He further submitted that since the above matter is civil in nature, permitting the prosecution is abuse of process of law.

4. Considering the aforesaid submissions, issue notice to the respondent returnable by 22.01.2020. Private notice is also permitted.

5. Call this matter on 22.01.2020.

6. Till then, the personal appearance of the petitioner before the trial Court is dispensed with and the interim stay is also granted.

05.12.2019

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