



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.12654 of 2014

and

M.P. (MD)No.1 of 2014

AS.Venkatachalam

... Petitioner

Vs

SP.Chinnaveerappan

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to C.C.No.235 of 2013 on the file of the learned Judicial Magistrate, karaikudi and quash the same.

For Petitioner : Mr.VR.Shamuganathan

For Respondent : Mrs.P.Kalaiyarasi Bharathi

ORDER

The petitioner herein is figuring as fourth accused in C.C.No.235 of 2013 on the file of the Judicial Magistrate, Karaikudi.

2. The complainant in this case is no more. But his legal heirs are yet to be brought on record.

3. The case of the complainant is that the property belonging to Vairavan Koil Nagarathar Sangam was illegally sold by the then trustees namely A6 and A7. Even according to the complainant, the petitioners herein A4-AS.Venkatachalam is not a party to the sale deed. He assumed charge as trustees only subsequently.

4. The grievance of the petitioner is that the petitioner did not take action in the matter against the erstwhile trustees.

5. I am of the view that on the strength of such averments, penal liability cannot be fastened on the petitioner herein. I am therefore of the view that the continuation of the impugned prosecution against the petitioner would amount to abuse of legal



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process. The impugned proceedings are quashed as far as the petitioner is concerned. Therefore, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/TRUE COPY/

Sub Assistant Registrar

To

The Judicial Magistrate, karaikudi.

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and
M.P. (MD) No.1 of 2014
16.09.2019

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JM/24.09.2019/2P/2C