



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.22277 of 2014

and

MP(MD)No.1 of 2014

V.Rajkumar

... Petitioner /1st Accused

Vs.

M.Senthilkumar

... Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.266 of 2014 pending on the file of the learned Judicial Magistrate No.II, Madurai and to quash the complaint with regard to the petitioner.

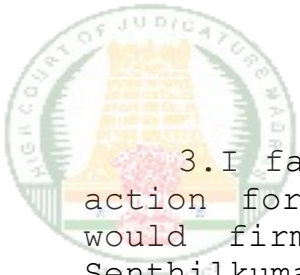
For Petitioner : Mr.Babu Rajendran

For Respondent : No appearance

ORDER

The petitioner is facing trial in C.C No.266 of 2014 on the file of the Judicial Magistrate No.II. Madurai for the offences under Sections 120(A), 415, 418, 420, 424, 467, 503 & 506 of IPC. To quash the same, this criminal original petition has been filed.

2.The respondent is the complainant in the said case. It is a private complaint. Even though the respondent has been served and he has also entered appearance through the counsel, there is no representation on his behalf today. After hearing the learned counsel appearing for the petitioner and after going through the materials on record, it is seen that the case of the respondent/complainant is that he was a tenant of a building bearing No.222, Naicker New Street, Madurai - 625 001 under one Nagarajan. The said Nagarajan passed away. The complainant would claim that thereafter the petitioner herein Thiru.V.Rajkumar is said to have prevailed upon the complainant to vacate the property in question for carrying out certain repair works. After carrying out the repair works, the building in question was not re-handed over to the complainant. That is the crux of his grievance.



3.I fail to understand as to how this can furnish the cause of action for maintaining the impugned prosecution. The petitioner would firmly state that at no point of time the complainant Senthilkumar was his tenant in the petition mentioned property. Along with the complainant, some eight documents have been enclosed. If the petitioner has been receiving rents from the respondent, certainly rental receipts could have been enclosed. No such document has been enclosed. The essential ingredients of the offence of cheating and forgery are wholly absent in this case. The very continuation of the impugned prosecution can only be termed as an abuse of legal process. Hence, the impugned prosecution stands quashed.

4.The criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

1.The Judicial Magistrate No.II, Madurai.

+1CC TO MR.BABU.RAJENDRAN, Advocate Sr. No. 87398

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PM(CO)
TR(10.12.2019)2P 3C