



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2019

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P. (MD) No.13026 of 2015
and M.P. (MD) Nos.1 and 2 of 2015

S.Shanmugam ... Petitioner/Accused No.7

Vs.

1. The Inspector of Police,
District Crime Branch,
Sivagangai District. ... 1st Respondent/Complainant

2. P.Muthusamy ... 2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to proceedings in C.C.No.16 of 2012 on the file of the Judicial Magistrate No.II, Sivagangai and quash the same.

For Petitioner : Mr.A.Sivasubramanian,
for M/s.Siva Ayyappan Associates.

For R-1 : Mr.A.Robinson,
Government Advocate (Crl.Side)

For R-2 : Mr.C.Jeyaprakash

O R D E R

The petitioner is shown as accused No.7 in C.C.No.16 of 2012 on the file of the Judicial Magistrate No.II, Sivagangai.

2. The second respondent herein is the defacto complainant. The case came to be lodged following the registration of the sale deed dated 23.10.2009 (Document No.5915 of 2009 on the file of the Sub Registrar Office, Karaikudi).

3. The petitioner's specific case is that he is the victim at the hands of accused Nos.1 to 6. The petitioner in order to show his *bona fides* had subsequently executed the deed of cancellation, thereby nullifying the sale deed dated 23.10.2009 (document No.5915



of 2009). Thus the petitioner does not challenge the title of the second respondent herein. The matter was listed earlier and this Court called upon the counsel for the second respondent to verify the said deed.

4. It is confirmed that the averments set out in paragraph No.6 of the memorandum of grounds are factually correct and true. Therefore, the impugned proceedings stand quashed as far as the petitioner/accused No.7 is concerned. It is made clear that the impugned proceedings will go on against the remaining accused. The remaining accused cannot take advantage of this order.

5. The case is of the year 2012. Therefore, the learned trial Magistrate is directed to conclude the proceedings on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. The petitioner through his counsel gives an undertaking that if called by the prosecution, he would depose as a Court witness as to what happened. The criminal original petition stands allowed, on these terms. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

1. The Judicial Magistrate No.II, Sivagangai.

2. The Inspector of Police,
District Crime Branch,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-94781[F] dated 25/10/2019)

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