



WEB COPY

CRL.O.P.(MD)No.2399 of 2015 and

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD)No.2399 of 2015 and

M.P.(MD)No.1 of 2015

1. Sundarrajan
2. Shanmugasundaram

... Petitioners/
Accused Nos.2 and 3

Vs.

1. State through,
The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.29 of 2007)

... 1st Respondent/Complainant

2. R.Balasubramanian

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the Charge Sheet in C.C.No.48 of 2009 on the file of the Judicial Magistrate No.1, Madurai, in Crime No.29 of 2007 on the file of the first respondent and quash the same as illegal with regard to the petitioner.

For Petitioners	: Mr.R.Venkatesan
For R-1	: Mr.A.Robinson, Government Advocate(Crl.Side).
For R-2	: Mr.K.P.Narayana Kumar

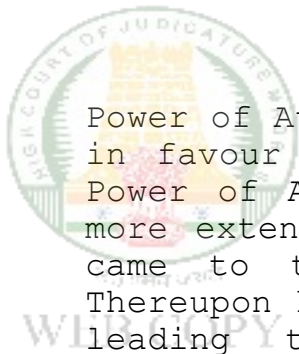
ORDER

The petitioners are facing trial in C.C.No.48 of 2009 on the file of the Judicial Magistrate No.I, Madurai, for the offence under Sections 420, 418, 423, 468, 471 r/w. 120(B) of I.P.C. To quash the same, this Criminal Original petition has been filed.

2. Heard the learned counsel on either side.

3. It is seen that the property in question originally belonged to accused No.1 Kandhasamy. He executed a Power of Attorney in favour of accused No.2 Sundarrajan on 15.10.2001. Even when the

<https://hcservices.ecourts.gov.in/hcservices/>



Power of Attorney was in subsistence, accused No.1 sold the property in favour of the defacto complainant on 29.11.2001. Based on the Power of Attorney, accused No.2 conveyed the property with little more extent of land in favour of accused No.3 on 21.01.2002. This came to the knowledge of the defacto complainant much later. Thereupon he lodged an information before the District Crime Branch leading to registration of Crime No.29 of 2007. After investigation, final report was filed and cognizance of the offences was taken in C.C.No.48 of 2009.

4. All the three accused are based in Avaniyapuram. The case of the prosecution is that the accused conspired among themselves so as to cause wrongful loss to the defacto complainant. There are clearly *prima facie* materials against the accused. The petitioners will have to necessarily face the trial before the Court below. The grounds urged by the petitioners' counsel are not sufficient for invoking inherent powers of this Court for quashing the impugned proceedings. Leaving open all the defences of the petitioners, the Criminal Original petition stands dismissed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

1. The Judicial Magistrate No.1, Madurai.
 2. The Inspector of Police, District Crime Branch,
Madurai District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.P. NARAYANA KUMAR, Advocate SR-90272.

CRL.O.P. (MD)No.2399 of 2015 and
M.P. (MD)No.1 of 2015
27.09.2019

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