

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 7648 of 2018

M.Senthilveni

... Petitioner

Vs.

1. S.Sivakumar

2. M.Muniyandi

3. S.Suresh

4. B.Vasu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned V Metropolitan Magistrate, Egmore, Chennai in C.C.No.1481 of 2016 and to dispose of the same by taking cognizance of the offences made out in the complaint including the offence under Section 420 of I.P.C.

For Petitioner : Mr.N.Suresh

For Respondents: Mr.M.Murali Vinoth

O R D E R

This Criminal Original Petition has been filed for a direction directing the learned V Metropolitan Magistrate, Egmore, Chennai in C.C.No.1481 of 2016 and to dispose of the same by taking cognizance of offences made out in the complaint including the offence under Section 420 of I.P.C..

2. The learned counsel appearing for petitioner would submit that with a malafide intention, the respondents have approached the petitioner to sell a vacant land admeasuring 1200 sq.ft. situated within the Sub-Registration District of Villivakkam as if the property belong to the 3rd respondent and the 2nd respondent had executed a sale deed being the power of attorney holder of 3rd respondent on 26.07.2013. The 1st respondent is a conspirator along with the other accused and worked as a mediator for the respondents 2 and 3. The 4th respondent having conspiracy with the other accused and with a criminal conspiracy, they have extracted huge sum from the

petitioner by selling a property, for which the 3rd respondent had no title at all. However, only on receipt of notice dated 23.10.2014 from A/m. Padalathri Seeyathammal Temple, Korattur, Chennai came to know that the property belong to the temple and the property was in control of H.R. & C.E. Department, and he was asked to vacate the property. Therefore, the petitioner had filed a complaint before the learned V Metropolitan Magistrate, Egmore, Chennai in C.C.No.1481 of 2016 against the respondents under Sections 138 of Negotiable Instrument Act and Section 420 of I.P.C. The learned Metropolitan Magistrate instead of trying the matter in accordance with law has directed the petitioner to approach appropriate forum to take cognizance of offence under Section 420 of I.P.C. Hence, he prayed for a suitable direction.

3. Heard Mr.N.Suresh, learned counsel appearing for petitioner and Mr.M.Murali Vinoth, learned counsel appearing for respondents 1 to 4.

4. Considering the fact that the criminal case is of the year 2016, the learned V Metropolitan Magistrate, Egmore, Chennai is directed to dispose the C.C. No.1481 of 2016 by taking cognizance of offence under Section 420 of I.P.C., if any material available within a period of six months from the date of receipt of the copy of this order, if it is not already disposed of.

5. With the above direction, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rpp

To

1.The Learned V Metropolitan Magistrate,
Egmore, Chennai.

+1cc to M/s.N.Suresh, Advocate SR.24738

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AD(CO)
CB(03/08/2020)