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CRL.O.P.(MD)NO.16374 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No. 16374 of 2016 and
CRL.M.P.(MD)NOS.8001 & 8002 OF 2016

1. Paulraj
2. Kalidas

... Petitioners/Accused Nos.4 &5

Vs.

1. The State rep. by,
The Inspector of Police,
District Crime Branch,
Dindigul District,
Dindigul.
(Crime No.16 of 2013)

... Respondent/Complainant

2. Abirami

... Respondent/Defacto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in connection with the impugned charge sheet in C.C.No.12 of 2014 on the file of the Judicial Magistrate Court No.2, Dindigul District and quash the same in so far as the petitioners are concerned.

For Petitioner	:	Mr.D.Selvaraj
For R-1	:	Mr.A.Robinson, Government Advocate(Crl. Side).
For R-2	:	Mr.R.Maheswaran

O R D E R

The petitioners are figuring as accused Nos.4 and 5 in C.C.No.12 of 2014 on the file of the Judicial Magistrate No.2, Dindigul, for the offences under Sections 471, 294(b), 506(i) of I.P.C. r/w. 120(b) of I.P.C.

2. The defacto complainant is the second respondent, namely, Abirami. Abirami's father Perumal had two wives. Accused Nos.1 to 3 are the sons born through the first wife and two others were born through the second wife. It appears that suppressing the same, accused Nos.1 to 3 executed the power of attorney in respect of the properties of Perumal vide document dated 21.01.2011. Later when the same became known, the power of attorney was cancelled on 31.10.2012. Abirami lodged a First Information Report on 05.03.2013.

3. It was investigated and it culminated in a final report. Cognizance of the offences was taken in C.C.No.12 of 2014 by the

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



jurisdictional Magistrate.

4. Accused Nos.1 to 3 are not before me. The power agents/accused Nos.4 and 5 are before me. It is not in dispute that the power of attorney was cancelled by them, when the case was registered.

5. Therefore, I am of the view that continuance of the impugned prosecution against the petitioners herein is patently an abuse of legal process. Therefore, the impugned proceedings stand quashed as far as the petitioners are concerned. The criminal original petition stands allowed, accordingly. Of course the impugned proceedings will go on against accused Nos.1 to 3. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Dindigul No.2, Dindigul District.

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

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

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-9163[F] dated 28/02/2020)

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-9274[F] dated 28/02/2020)

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AP(03/06/2020) 2P 6C