



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.06.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.9718 of 2018

and

Crl.M.P. (MD)Nos.4307 and 4308 of 2018

1.Parameswari
2.Malarkodi
3.Rajalakshmi

... Petitioners/Accused 2 to 4

Vs.

1.The State Rep., by
The Inspector of Police,
South Gate Police Station,
Madurai City.

... Respondent No.1/Complainant

2.Chermarajan

... Respondent No.2/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in in C.C.No.53 of 2018 on the file of Judicial Magistrate Court No.4, Madurai and quash the same as illegal sofar as the petitioners are concerned.

For Petitioners : Mr.R.Gandhi

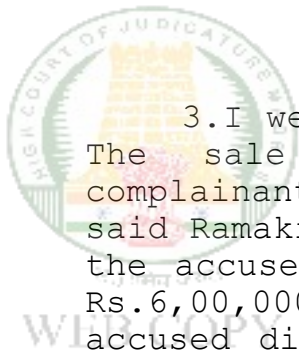
For Respondents : Mr.A.Robinson

Govt. Advocate (Crl. Side) for R1
Mrs.T.Banumathy for R2

O R D E R

This criminal original petition has been filed for quashing the proceedings in C.C.No.53 of 2018 on the file of the learned Judicial Magistrate No.IV, Madurai. The defacto complainant is one Chermarajan who has been shown as the second respondent herein. The second respondent is said to have lodged a criminal case before the first respondent and the same was registered as Crime No.508 of 2015. The case was investigated and final report was filed and cognizance of the offences under Section 120(b), 406, 420, 294(b) and 506(i) was taken by the jurisdictional Magistrate not only against A1/Ramakrishnan but also against the petitioners herein. This criminal original petition has been filed by A2 to A4.

2.Heard the learned counsel on either side.



3.I went through a copy of the sale agreement dated 17.05.2012. The sale agreement was entered into between the defacto complainant/Chermarajan and Balasubmramanian on the one hand and the said Ramakrishnan on the other. The case of the prosecution is that the accused induced the defacto complainant to part with a sum of Rs.6,00,000/- to purchase the property in question and that the accused did not come forward to conclude the sale transaction nor refunded the sale amount.

4.But then the transaction was only between Ramakrishnan and the defacto complainant. The petitioners did not any where figure in the picture. The offence under Section 420 of I.P.C., will be attracted only if the accused had held out some false representation but then it was only Ramakrishnan who had held out the assurances and representations. The petitioners did not have any dealing with the defacto complainant. Therefore, the implication of the petitioners is most unwarranted.

5.It is also seen that a civil suit has been filed by the agreement holder against the said Ramakrishnan and the same has been decreed on an exparte basis and it is now pending at the execution stage. The petitioners' counsel would draw my attention to the fact that the petitioners herein are not parties to the civil suit. Therefore, the contest was only between the second respondent and the said Ramakrishnan. It will of course go on. The impugned proceedings stand quashed only as far as the petitioners are concerned. The cause of action is of the year 2012. Therefore, the learned Trial Magistrate is requested to conclude the trial on merits and in accordance with law within a period six months from the date of receipt of a copy of this order. With this direction to the learned Trial Judge to expedite the proceedings against Ramakrishnan, this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Judicial Magistrate No.IV,
Madurai.

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



2.The Inspector of Police,
South Gate Police Station,
Madurai City.

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

+1 CC to M/s.R.GANDHI, Advocate (SR-13126[F] dated 05/06/2020)

CrI.O.P(MD)No.9718 of 2018
04.06.2020

MK (12.06.2020) 3P 5C