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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.1992 of 2018
and Crl.M.P.No.755 & 756 of 2018

1. Ramu @ Ramadoss
2. K.Devaraj
3. K.Elumalai
4. K.Dhaxnamoorthy
5. Padmavathi
6. Adhilakshmi

...Petitioners A1 to 6

Vs.

1. State By:

Sub Inspector of Police,
District Crime Branch Police,
Kancheepuram District.1st Respondent/Complainant
(Crime No.18 of 2014)

- 2.Vijayakumari2nd Respondent/Defacto Complainant

Prayer: The Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining the charge sheet in C.C.No.156 of 2017 pending before the Hon'ble Judicial Magistrate Court No.II, Chengalpattu, Kancheepuram District and to quash the same.

For Petitioners : Mr.L.Ramu

For R1 : Mr.T.Shanmugarajeswaran
Government Advocate (Crl.Side)

For R2 : Mr.B.R.Shankaralingam

O R D E R

This Criminal Original Petition has been filed seeking call for the records pertaining the charge sheet in C.C.No.156 of 2017 pending before the Hon'ble Judicial Magistrate Court No.II, Chengalpattu, Kancheepuram District and to quash the same.



2. The case of the prosecution is that the defacto complainant had purchased a property vide registered Document No.11/1999 from one Vijayakumar Reddy power of attorney of A7/Dhanammal and subsequently, the defacto complainant purchased another property vide registered Document No.1501/2004 from one Ponvasanthakumar another power agent of A7/Dhanammal. Thereafter, the said A7/Dhanammal and other petitioners 2 to 6 have executed a release deed in favour of the 1st petitioner for which, the defacto complainant alleged a complaint before the law enforcing agency against the petitioners stating that her property was fraudulently encumbered and in order to grab money from the defacto complainant. Challenging the same, the present petition has been filed before this Court.

3. The learned counsel for the petitioners submit that the dispute between the parties are purely civil in nature and without going into the merits of the case, it would be suffice, if this Court issues a direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioners before the Trial Court may be dispensed with and would further submit that the petitioners are ready to appear as and when necessary arises.

4.The learned Government Advocate (Crl.Side) would submit that the dispute is purely civil in nature and the question has to be decided only by the competent Court and the prima facie case is made out and admittedly A7/Dhanammal had sold the property through her power agent, the defacto complainant purchased the property from the power agent of A7/Dhanammal. Subsequently, A7/Dhanammal executed a release deed in favour of the 1st petitioner.

5. Heard the learned counsel appearing for the second respondent.

6.In view of the above, I am not inclined to interfere with the proceedings in C.C.No.156 of 2017 pending before the Judicial Magistrate No.II, Chengalpattu, Kancheepuram District and the Court below to expedite the trial in C.C.No.156 of 2017 and complete the same within a period of six months from the date of receipt of a copy of this order. The appearance of the petitioners before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioners for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.



7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msrm
To

1.The learned Judicial Magistrate Court No.II,
Chengalpattu, Kancheepuram District.

2.-Do-Thro-The Chief Judicial Magistrate,
Kancheepuram.

3.The Sub Inspector of Police,
District Crime Branch Police,
Kancheepuram District.

4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to MR.B.R.Shankaralingam, Advocate Sr.22626

Crl.O.P.No.1992 of 2018

sv[co]
srg 26/07/2021