

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.19548 of 2020
and CrI.M.P.Nos.7910 & 7911 of 2020

1. Gowri

2. Dhanalakshmi

Petitioners

vs.

1. The State Represented by
The Inspector of Police,
Central Crime Branch,
GSCT Temo XVIA,
Vepery, Chennai - 600 007.

2. Riyaz Hussain

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the same in respect of the petitioner in C.C.No.2636 of 2020 on the file of Metropolitan Magistrate, CCB & CBCID Court, Egmore, Chennai and thus render justice.

For Petitioners: Mr.K.M.Balaji

For Respondents: Mr.M.Mohammed Riyaz
Additional Public Prosecutor
for R1

Mr.M.Sivaraman for R2

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.2636 of 2020 on the file of the Metropolitan Magistrate, CCB and CBCID Court, Egmore, Chennai.

2.The respondent police have filed a final report before the Court below against four accused persons for offences under Sections 420, 465, 467, 468, 471, 423, 120(b) and 109 IPC. The

petitioners have been arrayed as A2 and A3 in the final report.

3.The petitioners have filed the present petition mainly on the ground that they are not aware about the alleged forgery and in order to prove their bonafide, they are even willing to cancel the impugned release deeds registered as Document Nos.937 and 938 of 2015.

4.When the matter came up for hearing on 07.01.2021, this Court passed the following order:

Mr.C.Raghavan, learned Government Advocate takes notice for the 1st respondent. Notice to the 2nd respondent returnable by 28.01.2021. Private notice is also permitted.

2. The learned counsel for the petitioner made a specific submission to the effect that the accused persons were not aware about the property being already sold in favour of the 2nd respondent and they are willing to execute necessary document to cancel the release deed. In view of the specific stand taken by the petitioners, this Court deems it fit to issue notice to the 2nd respondent and make an attempt to bring to an end the criminal proceedings.

3. Post this case under the caption for orders on 28.01.2021.

5.When the matter was taken up for hearing today, the learned counsel for the petitioners brought to the notice of this Court that both the release deeds have been canceled by virtue of cancellation deeds, dated 11.02.2021 registered as Document Nos.1236 and 1237 of 2021. A copy of the cancellation deed was also filed by way of additional typed set of papers. This fact was also acknowledged by the learned counsel appearing on behalf of the 2nd respondent.

6.In view of the above development, no useful purpose will be served in proceeding further with the criminal case against the petitioners who have already shown their bonafides and the continuation of the criminal proceedings will only amount to abuse of process of Court. In the result, the proceedings in C.C No. 2636 of 2020 on the file of the Metropolitan Magistrate, CCB and CBCID Court, Egmore, Chennai is quashed insofar as the petitioners are concerned.

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

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

ssr
To

1. The Metropolitan Magistrate, CCB & CBCID Court,
Egmore, Chennai
2. The Inspector of Police,
Central Crime Branch,
GSCT Temo XVIA,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.

+1 Cc to Mr.K.M.Balaji, Advocate sr 10644
+1 CC to Mr.M.Sivaraman, Advocate sr 11235.

Crl.O.P No.19548 of 2020
and Crl.M.P.Nos.7910 & 7911 of 2020

SS (CO)
SP(18/03/2021)

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