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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO.5066 OF 2017

AND

CR.M.P.NOS.3768 & 3769 OF 2017

Dr.A.DavidManinesan
S/o. Arumugam alias Abraham

...Petitioner

Vs.

1. The State,
Represented by the Inspector of Police,
C.B.C.I.D,
Thiruvallur District,Thiruvallur.
(in Crime No.227/2010)

2. S.Vivek

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C. No.102 of 2013 on the file of the learned Judicial Magistrate I, Thiruvallur.

For Petitioner ... Mr.R.Vivekananthan

For Respondents ... Mr.S.Vinoth Kumar
Govt. Advocate (Crl.side) for R1
Mr.R.Krishnakumar for R2

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C. No.102 of 2013 pending on the file of learned Judicial Magistrate I, Thiruvallur for the offence under Sections 419, 420, 465, 468 and 471 of IPC.

2. When the matter was taken up for hearing on 07.12.2021, this Court has passed the following order:-

"De facto complainant and A2 are present before this Court and they were identified by their respective counsel.

2. It is submitted by the learned counsel for de



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facto complainant that de facto complainant has entered into a compromise with A2 and all the properties have been transferred back to the de facto complainant by A2. Therefore, it is submitted by learned counsel that the de facto complainant is not interested to proceed against A2. This submission is recorded and the consent affidavit has also been filed.

3. However, learned Government Advocate (Crl.side) seeks time to file a counter affidavit regarding the role of A2.

Post the mater on 10.12.2021. Personal appearance of A2 is dispensed with for the next hearing."

3. In pursuant to the aforesaid order of this Court, the State has filed the counter affidavit today indicating that A2 is only a subsequent purchaser and there is no materials collected against A2 for alleged fabrication of documents. Except he being the subsequent purchaser, no specific overt act has been unearthed during the investigation.

4. In such view of the matter, as there is no material collected against this petitioner for the offences alleged in the complaint and it was submitted before this Court that the de facto complainant and this petitioner/A2 has already entered into a compromise, pursuant to which the petitioner had also retransferred the property to the defacto complainant, the final report filed against this petitioner/A2 alone is liable to be quashed.

5. Accordingly, this Criminal Original Petition is allowed and the final report in C.C.No.102 of 2013 is quashed as against this petitioner/ A2 alone and the trial Court is directed to proceed against the other accused and dispose of the case as expeditiously as possible. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gpa/gba



To

1. Judicial Magistrate I,
Thiruvallur

2. The Inspector of Police,
C.B.C.I.D,
Thiruvallur District, Thiruvallur.
(in Crime No.227/2010)

3. The Public Prosecutor
Madras High Court
Chennai

+1cc to Mr.R.Vivekananthan, Advocate, S.R.No.65551

Crl. O.P. No.5066 of 2017 &
Cr.M.P.Nos.3768 & 3769 of 2017

PM(CO)
RGA(27/12/2021)