



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.19414 of 2017

and

Crl. M.P.No.11744, 11745 & 13782 of 2017

1.R.Malliga

2.R.Ramakrishnan

...Petitioners/Accused 5&6

Versus

Karthikeyan

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.438 of 2016 on the file of Judicial Magistrate, Ambattur and quash the same.

For Petitioner ... Mr.S.N.Arunkumar

For Respondent ... Mr.R.Jayaprakash

O R D E R

This petition has been filed by A5 and A6 to quash the private complaint filed for offences under Sections 420, 465, 467 and 471 of IPC.

2. The crux of the allegation is that though the property owned by Elumalai was sold in the year 1988, his sons A1 to A3 executed a Power of Attorney in favour of A4 subsequently and pursuant to the same, A4 sold the property in favour of A5 in the year 1999 and thereafter, A5 sold the same to third parties at the instigation of A6. Thereafter, it came to light that the title has been divested in the year 1988 itself by original owner Elumalai. As the parties committed cheating and fabricated documents, a private complaint appears to have been filed.

3. It is contended by the learned counsel for the petitioners that the petitioners are no way connected with the alleged offence.



4. As the parties committed cheating and fabricated documents, the private complaint appears to have been filed. Though it is contended by the learned counsel for petitioners that quash petition has been filed to quash the private complaint, it is the contention of the learned counsel appearing for the defacto complainant that in this matter trial concluded on 28.09.2018 and the matter has been posted for arguments on 26.11.2021.

5. These facts have been suppressed by the petitioners. When this Court posed the question to learned counsel appearing for the petitioners, he is not able to deny the contention of the respondent's counsel.

6. In such view of non-denial, this Court will infer that the submissions made by the learned counsel for respondent is correct and this Court is of the view that the present petition to quash the private complaint is nothing but a abuse of process of law. Therefore, this petition is liable to be dismissed.

Accordingly, the instant Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

gpa/gba
To

1. The Judicial Magistrate
Ambattur.
2. -do through- The Chief Judicial Magistrate,
Thiruvallur.
3. The Public Prosecutor
Madras High Court, Chennai - 104

+1cc to Mr.S.N.Arunkumar, Advocate, S.R.No.58229
+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.58348

CrI. O.P. No.19414 of 2017 and
CrI. M.P.No.11744 of 2017

EV[co]
NSK 25/11/2021