



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Third day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.12519 of 2021

IN CRL.R.C.NO.897 of 2021

A.K. MUTHUSAMY

[PETITIONER/1st ACCUSED]

Vs

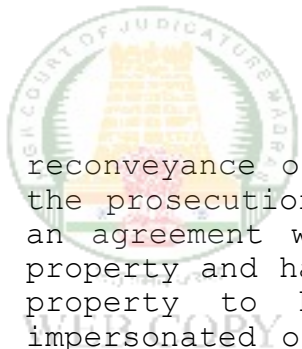
THE STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
UNIT-1, VEPERY,
CHENNAI - 7.
(CRIME NO.33 OF 2012)

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.R.C.NO.897 of 2021 on the file of the High Court, the High Court will be pleased to Stay the trial proceedings against the Petitioner / A1 in C.C.No.4345 of 2018 on the file of the CCB/CBCID Metropolitan Magistrate Court, Egmore, Chennai without which the petitioner / Petitioner/A1 will be put under irreparable loss and to pass such other or further orders. [CRL.R.C.NO.897 of 2021 IN CRL.MP.NO.12519/2021]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.R.C.NO.897 of 2021 on the file of the High Court and upon hearing the arguments of MR.VINOTH KUMAR Advocate for M/S. M.SOUNDERRAJAN Advocate for the petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side)on behalf of the Respondent the court made the following order:-

The learned counsel appearing for the petitioner would submit that the revision petitioner is one of the legal heirs of Mrs.Lalithambal, she was the owner of the properties in S.No.207/14A to a total extent of 10.03acres. The said property was acquired by the Tamil Nadu Housing Board for developing West Madras neighbourhood scheme during the year 1967, subsequently, the properties were left unused and the petitioner and his siblings have filed case for



reconveyance of the property in their favour. Whiles, the case of the prosecution is that the petitioner and his siblings entered into an agreement with the defacto complainant, in respect of the above property and had received money from him as advance for conveying the property to him. The petitioners and his siblings have not impersonated or committed any acts of forgery. Thereby, no charges can be framed against the petitioners for the offence of forgery or fabrication of documents. Further, it is the case of the defacto complainant that the petitioner had received a sum of Rs.10lakhs from him by way of demand draft drawn from State Bank of India, Nungambakkam Branch. However, the statement recorded from the Assistant General Manager of the petitioners branch is clear that no such demand drafts were encashed by the petitioners. A case of civil dispute was attempted to be converted as criminal case and the trial Court without properly analysing the materials and evidence on record had dismissed the petition seeking for discharge.

2. This Court is of the opinion that a Prima facie case has been made out for grant of interim stay. In view of the above, there shall be an order of interim stay of all further proceedings in C.C.No.4345 of 2018 on the file of the CCB/CBCID Metropolitan Magistrate, Egmore, Chennai.

3. Notice to the respondent returnable by four weeks. Private notice is also permitted.

4. Post after four weeks.

-sd/-

03/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CCB/CBCID METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, UNIT-1,
VEPERY, CHENNAI - 7.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S. M.SOUNDERRAJAN Advocate on payment of necessary
charges SR.No.2025

Order
in
CRL MP.12519/2021
in
CRL.R.C.897/2021
Date :03/02/2022

From 7.2.2001 the Registry is issuing certified
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CSK 24/02/2022