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Crl.OP.No.25724 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.25724 of 2022

and

Crl.M.P.No.15919 of 2022

P.M.Vijaykumar

... Petitioner

Vs.

S.Sathish Kumar

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records C.C.No.4183 of 2016 on the file of (on the file of the XX Metropolitan Magistrate) Egmore, Allikullam and quash the same.

For Petitioner : Mr.M.Dharanidharan

For Respondent : Ms.A.Shabnam Banu

ORDER

This Criminal Original Petition is filed to quash the proceedings in C.C.No.4183 of 2016 on the file of learned XX Metropolitan Magistrate, Egmore, Allikulam.



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2. The learned counsel for the petitioner submitted that the petitioner had paid a sum of Rs.50,000/-, which was even admitted in the complaint as well as in the proof affidavit filed by the respondent. It is also admitted in the complaint that, in a settlement dated 09.01.2017, the petitioner had agreed to give a land in his wife's name Madu latha, in Pundi to the respondent. Without waiting for execution of the document, the case filed is illegal and he prays for quashing the proceedings in C.C.No.4183 of 2016, on the file of learned XX Metropolitan Magistrate, Egmore, Allikulam.

3. Per contra, the learned counsel for the respondent submitted that in the case before hand, trial was completed on 22.08.2022. The case is now pending for arguments. Before the commencement of arguments, it appears that the petitioner obtained Stay of further proceedings in this case. Due to the pendency of the Crl.O.P.No.25724 of 2022, case in CC.No.4183 of 2016 is not yet disposed.



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4. Heard the learned counsel for both sides and perused the materials placed on record.

5. It is seen from the submissions of the learned counsel for the petitioner that, though he claims to have entered into a settlement with the respondent, by giving his wife's property, in order to settle the respondent's claim, it appears that, so far no document had been executed in this regard. The liability or non-liability are all disputed facts and the same has to be decided only on the basis of evidence.

6. This Court sitting under Section 482 of CrPC cannot investigate all these aspects. In the case before hand, already trial is over and it is now pending for arguments. Therefore, this petition is dismissed, giving liberty to the petitioner to raise all his defences before the trial Court. The trial Court, on considering the submissions made by the learned counsel for the petitioner and respondent is directed to dispose the case, within a period of one month from the



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date of receipt of a copy of this order. Consequently, the connected
Miscellaneous Petition is closed.

10.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1.The XX Metropolitan Magistrate, Egmore,
Allikullam

2.The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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