



Crl.O.P.No.27160 of 2017

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.27160 of 2017

and

Crl.M.P.Nos.15572 & 15573 of 2017 & 1069 of 2018

1. S.Manogari

2. Sujatha

3. Gajalakshmi

4. Thirumurugan

5. Lakshmi

6. Kamakshi

7. Saraswathi

... Petitioners

Vs

1. State rep. by Inspector of Police,
M-3, Muthiyalpet Police Station,
Chennai District.
(Crime No.270/2017)

2. S.Thiyagarajan

... Respondents



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PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records in C.C.No.3213 of 2017 in Crime No.270 of 2017 on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioners : Mr.J.Stalin

For Respondent 1 : Mr.L.Baskaran
Government Advocate (Crl.Side)

For Respondents 2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.3213 of 2017 on the file of the learned XVI Metropolitan Magistrate Court, George Town, Chennai for the offences under Sections.406,420,294(b),506(i), 120(B) of IPC r/w Section.34 of IPC.

2. The case of the prosecution is that on 11.06.1985, father of the petitioners one Govindaraj Mudaliar obtained loan for a sum of Rs.10,000/- by mortgaging his property bearing S.No.15, 1.72 cents in Cheyyar Village. The said Govindaraj Mudaliar died in the year 1988. Further, the 2nd respondent/Defacto-complainant filed a suit vide



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O.S.No.181 of 1992 for recovery of money against the petitioners on the file of the Sub-Court, Arani. Subsequently, on 04.02.1993, preliminary decree was passed in favour of the 2nd Respondent/Defacto-Complainant as well as on 24.09.1993, final decree was passed. The legal heirs of Govindaraj Mudaliar divided the said property as per registered partition deed dated 18.07.2013 bearing document No.1132/2013, on the file of the Sub-Registrar, Cheyyar. On knowing the same, the defacto-complainant on 05.07.2017 approached the 1st petitioner's house and the 1st petitioner and others abused the defacto-complainant and threatened the defacto-complainant. Hence, the complaint. The 2nd respondent filed an execution proceedings vide E.P.No.93 of 1994 and the same was dismissed on 18.08.2003.

3. While pending this quash petition, the parties entered into compromise with the 2nd respondent. Accordingly, the petitioners filed a Memo before this court it reveals that the petitioners had conveyed the the properties in favour of the 2nd respondent by way of registered sale deed dated 11.5.2022 vide document No.463/2022. Being the legal heirs



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of deceased Mr.Govindaraj, the same has been reconveyed to the 2nd respondent. The petitioners are the legal heirs of the deceased Mr.Govindaraj. Therefore, no purpose would be served, if the proceedings in C.C.3213 of 2017 is allowed to be continued before the trial Court. In order to meet the ends of justice, the proceedings in C.C.No.3213 of 2017 is liable to be quashed. Accordingly, the entire proceedings in C.C.No.3213 of 2017 on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are allowed.

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Internet: Yes

Index: Yes/No

Speaking/Non-speaking order

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To
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- 1) The XVI Metropolitan Magistrate Court,
George Town, Chennai
- 2) The Inspector of Police,
M-3, Muthiyalpet Police Station,
Chennai District.
- 3) The Public Prosecutor,
High Court Madras.



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G.K.ILANTHIRAIYAN, J.

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