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Crl.O.P.Nos.8320 and 8321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.04.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.8320 and 8321 of 2024 &
Crl.M.P.Nos.6094 & 6096 of 2024
&Crl.M.P.Nos.6093 & 6095 of 2024

Crl.O.P.No.8320 of 2024:

S.Sivakumar

.. Petitioner

/versus/

1.State Represented by
The Inspector of Police,
District Crime Branch,
Cuddalore.
(Crime No.3 of 2021)

2.R.Senthilkumar

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating in C.C.No.32 of 2024 on the file of the Judicial Magistrate Court No.II, Chidambaram and quash the same by allowing this Criminal Original Petition.

For Petitioner :Mr.J.Pradeep

For Respondents :Mr.S.Udayakumar
Government Advocate for R1



CrI.O.P.Nos.8320 and 8321 of 2024

CrI.O.P.No.8321 of 2024:

S.Sivakumar

.. Petitioner

/versus/

1.State Represented by
The Inspector of Police,
District Crime Branch,
Cuddalore.
(Crime No.3 of 2021)

2.R.Senthilkumar

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating in C.C.No.146 of 2023 on the file of the Judicial Magistrate Court No.II, Chidambaram and quash the same by allowing this Criminal Original Petition.

For Petitioner :Mr.J.Pradeep

For Respondent :Mr.S.Udaya Kumar
Government Advocate (CrI.Side) for R1

COMMON ORDER

These Criminal Original Petitions are filed to quash C.C.Nos.32 of 2024 and C.C.No.146 of 2023 on the file of the Judicial Magistrate Court No.II, Chidambaram.

2. The learned counsel appearing for the petitioner submitted



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that family property, which was purchased by the defacto complainant's father in the year 1953, was divided among the family members and there was an oral exchange. Pursuant to that the parties are enjoying their respective properties. Though the property, which stands in the name of the accused persons, were alienated by way of release deed and sale deed, a false complaint has been filed, taking advantage of the fact that the oral exchange of property has not been mutated in the revenue records and therefore, the criminal prosecution is liable to be quashed.

3. The learned Government Advocate (Crl.Side) submitted that investigation reveals that some of the documents were forged and finger print expert opinion has also been obtained and therefore, charge under Sections 423, 465, 468 and 471 of IPC r/w Section 82(a) of Registration Act, been initiated. Since the points raised in the quash petition squarely related to the facts, this Court is not inclined to conduct mini trial. The parties shall make all the defence before the trial Court and prove their innocence.



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4. With the above observations, these Criminal Original Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed.

05.04.2024

Index:yes/no
Speaking order/non speaking order
Neutral citation:yes/no
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To:

1.The Judicial Magistrate Court No.II, Chidambaram.

2.The Inspector of Police, District Crime Branch,
Cuddalore.



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DR.G.JAYACHANDRAN,J.

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