



WEB COPY



Crl.O.P.No.15442 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.15442 of 2021
and
Crl.M.P.Nos.8436 & 8437 of 2021

G.Kumutha

... Petitioner

Vs.

1.The Inspector of Police
District Crime Branch,
Vellore.
Crime No.35 of 2013

2.S.Ravi (Died)

3.R.Bharathi

4.S.Kalaivani

5.R.Karthik

... Respondents

(Substituted the legal heirs of deceased respondents 3 to 5 as per order dated 15.02.2024 in Crl.M.P.No.2303 of 2024 in Crl.O.P.No.15442 of 2021).

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records pursuant to the Charge sheet filed in C.C.No.206 of 2020 on the file of the Judicial Magistrate-II, Vellore and quash the same.



CrI.O.P.No.15442 of 2021

For Petitioner : Mr.B.Lenin Balu
For R1 : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)
For R3 to R5 : Mr.S.Shankar
For R2 : Died

O R D E R

This petition has been filed to quash the C.C.No.206 of 2020 on the file of the Judicial Magistrate-II, Vellore, in which cognizance was taken for the alleged offence punishable under Sections 294(b), 506(ii), 406, 420 and 120(B) of IPC, against the petitioner.

2. When the matter was taken up for hearing, the learned counsel appearing for the respondents submitted that the matter has already been settled, hence they do not want to proceed with the said C.C.No.206 of 2020, pending on the file of the Judicial Magistrate-II, Vellore. Affidavit has also been filed by R3 / Baharathi, to that effect.

3. The facts reveal that the said complaint was given by R3's husband



CrI.O.P.No.15442 of 2021

with the wrong advise of some political persons. The respondent police never enquire her till date. On the basis of their consent only the petitioner executed their house property do and in favour of her husband to safeguard their money. No occurrence took place on 25.05.2013 as stated in the complaint that's why they never filed any complaint before the Gudiyattam Police Station or file a Civil Suit to cancel the sale deed. As per their contention without consent only on 18.12.2012, their house property was sold out by the petitioner, in order to give financial support to her daughter to complete her medical course. Even after cancellation of Power of Attorney her husband sold 7 plots in the year 2014 in favour of one V.E.Karuna on 14.08.32014. To that effect affidavit has been filed by the 3rd respondent and the same is recorded by this Court.

4. Considering the submissions made by the learned counsel for the respondents and also considering the affidavit filed by the 3rd respondent, this Court is inclined to quash the proceedings pending as against the petitioner in C.C.No.206 of 2020, on the file of the Judicial Magistrate-II, Vellore.



WEB COPY



Crl.O.P.No.15442 of 2021

T.V.THAMILSELVI, J.

rri

5. Accordingly, this Criminal Original Petition is allowed. The affidavit shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

28.03.2024

Index: Yes/ No

Neutral Citation: Yes/No

rri

To

1.The Judicial Magistrate II, Vellore.

2.The Inspector of Police
District Crime Branch,
Vellore.
Crime No.35 of 2013

3.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.15442 of 2021

and

Crl.M.P.Nos.8436 & 8437 of 2021