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Crl.O.P.No.19309 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 12.02.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Crl.O.P.No.19309 of 2023**

**and**

**Crl.M.P.Nos.12972 & 12973 of 2023**

1.John Davidson  
S/o.Yesu Rathinam

2.Vijaya Kumar C.D  
S/o.Samuel

... Petitioners

Vs.

1.State represented by  
The Inspector of Police,  
Sathiyamangalam Police Station,  
Erode District.

2.Benjamin Dhematheyu

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 Cr.P.C. to call for records and quash the final report in C.C.No.42 of 2020 on the file of learned Judicial Magistrate, Sathiyamangalam, Erode District against the petitioners herein.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1]

Mr.J.Titusenock M. Karthik [R2]

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## **ORDER**

This petition has been filed to quash the proceedings in C.C.No.42 of 2020 on the file of learned Judicial Magistrate, Sathiyamangalam, Erode District.

2. The second respondent gave a complaint to the first respondent police on the ground that the petitioners claimed themselves to be the Chairman and Secretary of C.I.G. Mission Church and have entered into a leave and license agreement with a third party without any right or authority. As a result, they had also collected money from the third party and hence, they have committed the offence of cheating, forgery *etc.* Based on this complaint, a First Information Report came to be registered in Crime No.188 of 2019. On completion of investigation, a final report was filed as against five accused persons in C.C.No.42 of 2020. The petitioners, who are arrayed as A1 and A2, have filed the present quash petition.

3. Heard Mr.R.Abdul Mubeen, learned counsel for petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor appearing for



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first respondent and Mr.J.Titusenock M. Karthik, learned counsel appearing for second respondent.

4. It is brought to the notice of this Court that the second respondent filed an affidavit before the Court below and took a stand that the names of A4 and A5 can be dropped. In view of the same, the case is now prosecuted only as against A1 to A3. The gravamen of the charge is that the petitioners claimed themselves to be Chairman and Secretary of C.I.G. Mission Church and they had illegally entered into an agreement with the third party and as a result, third party was squatting in the property. It is seen from records that the leave and license agreement was cancelled on 14.10.2016 on the ground that the cheque issued for a sum of Rs.25,000/- was dishonoured.

5. It is also seen from records that civil proceedings were initiated against the petitioners before the City Civil Court at Bangalore in O.S.No.3590 of 2016 and the plaint was rejected by order dated 10.01.2017.



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6. It is also brought to the notice of this Court that by virtue of the orders passed by NCLT, the petitioners are no more in the helm of affairs and the organization is now managed by the present incumbents.

7. In the considered view of this Court, the dispute that is involved in the present case pertains to the administration of C.I.G. Mission Church. The attention of this Court was also drawn to the fact that the licensee has also vacated and handed over possession of the property to the C.I.G. Mission Church. Even if the entire allegations are taken as it is, this Court finds that no criminal offence has been made out in this case. The continuation of criminal proceedings against the petitioners will only result in abuse of process of law which requires interference of this Court. Similarly, the petitioners seem to have given a counter complaint against the second respondent and others and the same must also be closed by the respondent police. The facts of the present case do not require investigation by the police since it involves control over the administration of the C.I.G. Mission Church.



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8. In the result, the proceedings in C.C.No.42 of 2020 on the file of learned Judicial Magistrate, Sathiyamangalam, Erode District, is hereby quashed in entirety. The petitioners are directed not to interfere with the affairs of the Church and they will work out their remedy in the manner known to law.

This Criminal Original Petition is allowed in the above terms.  
Consequently, connected miscellaneous petitions are closed.

**12.02.2024**

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Judicial Magistrate,  
Sathiyamangalam,  
Erode District.

2.The Inspector of Police,  
Sathiyamangalam Police Station,  
Erode District.

3.The Public Prosecutor,  
High Court, Madras.



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**N.ANAND VENKATESH, J.**

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