



Crl.O.P.No.7757 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:18.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.7757 of 2022
and
Crl.M.P.Nos.4488 and 4489 of 2022

1.Govindarajulu
2.Mrs.K.G.Lakshmi

.. Petitioners

/versus/

1.The State rep.by
The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram.

..1st Respondent/
Complainant

2.G.Ravikumar

..2nd Respondent/
Defacto complainant

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records pertaining C.C.No.5 of 2016 on the file of Judicial Magistrate No.1, Kancheepuram and quash the same in the interest of justice.

For Petitioners	:Ms.U.Priyadarsini
For R1	:Mr.S.Udaya Kumar Govt.ADvocate (Crl.Side)
For R2	:Mr.M.Kempuraj



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ORDER

This petition filed to quash C.C.No.5 of 2016 on the file of Judicial Magistrate, Kancheepuram.

2. Sum and substance of the quash petition is that the dispute which is purely civil in nature, has been falsely projected as the case of fabrication of document. There is a civil suit pending between the parties and therefore, the complaint need to be quashed.

3. The learned counsel appearing for the defacto complainant submitted that based on the fabricated Will, title has been transferred by the first accused in the name of his wife by way of settlement deed and therefore, the commission of cognizable offence been clearly made out against the petitioners and it is incorrect to claim that it is purely civil dispute, just because civil suit is pending. Thus, there is an element of criminality made out from the final report. Therefore, the petitioners may face the trial and the case is posed to 01.08.2024 for examination of LW-1 to LW-9.



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4. The learned Government Advocate (Crl.Side) further submitted that totally the prosecution rely upon 10 witnesses and they are ready to marshal the witnesses and complete the trial within the time fixed by this Court.

5. Considering the facts of the case and long pendency of the dispute, it is appropriate to direct the Judicial Magistrate No.1, Kancheepuram, to commence the trial in C.C.No.5 of 2016 and complete the same within a period of four months from the date of receipt of a copy of this order. If any application is filed to dispense with the personal appearance of the accused persons, the trial Court may consider the same in accordance with law.

6. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

18.07.2024

Index:yes/no

Neutral Citation:yes/no



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To:

1. Judicial Magistrate No.1, Kancheepuram.
- 2.The Inspector of Police, Sivakanchi Police Station, Kancheepuram.
- 3.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.



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