



CrI.O.P.(MD) No.5104 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5104 of 2024

and

CrI.M.P.(MD)Nos.4004 & 4005 of 2024

1. Alex

2. Arumuga Durai

... Petitioners

Vs

1. State represented by
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No. 22 of 2016)

2. Asanali

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in C.C No. 615 of 2021 on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same in respect of the petitioners are concerned.

For Petitioners : M/S. Ebenezer.T.A

For R1 : Mr.P.Kottaichamy
Government Advocate (CrI. side)



Crl.O.P.(MD) No.5104 of 2024

ORDER

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The petitioners have filed this petition, seeking to quash the proceedings in charge sheet in C.C.No.615 of 2021 , pending on the file of the learned Judicial Magistrate No.1, Tiruneveli.

2.The case of the prosecution is that the A-2 sold the property to the first petitioner which belongs to the de-facto complainant's mother. Based on the complaint of the defacto complainant, a case has been registered in Crime No.22 of 2016 for the offence punishable under Section 420, 423, 467, 468, 471 and 120(B) of IPC as against the petitioners.

3.The learned Counsel for the petitioners submitted that the disputed property belonged to one Ahamad Laila. Since A-2 is the only one legal heir of the said Ahamad Laila, he sold the property to the first petitioner. Therefore, the proceedings shall be quashed as against the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the first respondent submits that it is a matter for trial and these grounds can be



CrI.O.P.(MD) No.5104 of 2024

raised before the trial Court.

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5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the first respondent.

6.Though the petitioners have raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

26.04.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No

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CrI.O.P.(MD) No.5104 of 2024

B.PUGALENDHI, J.

jbr

To

1. The Inspector of Police,
District Crime Branch,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P (MD) No.5104 of 2024

26.04.2024