



1 *Crl.O.P.(MD) No.15613 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD). No.15613 of 2020

and

Crl.M.P(MD). No.7641 of 2020

1.R.Madhavan

2.S.Thilagar

... Petitioners/Accused Nos.2 & 3

Vs.

1.The Inspector of Tamilnadu,

District Crime Branch,

Pudukkottai.

2.Rafiyakani

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.

praying to quash the proceedings as against the petitioners herein in

C.C.No.25 of 2020 learned Judicial Magistrate No.II, Pudukkottai.



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For Petitioners : Mr.M.Mohamed Sherbudeen

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor (for R1)

No appearance (for R2)

ORDER

This petition has been filed to quash the proceedings as against the petitioners herein in C.C.No.25 of 2020 learned Judicial Magistrate No.II, Pudukkottai.

2.The case of the prosecution is that A1 namely Jaleel Abbas and the second respondent are the husband and wife. In the month of September 2017, A1/Jaleel Abbas approached Sriram Transport Finance Limited, having its branch office at Aranthangi for availing financial Assistants for their business development. The second respondent executed mortgage deed by depositing title deed, on 18.09.2017 and the same was registered at Sub Registrar Office, Aranthangi, as security for a sum of Rs.25,00,000/-. In pursuance of the MOD, the petitioners sanctioned term loans for a sum of Rs.10,00,000/- and Rs.15,00,000/- on 18.09.2017 and 21.09.2017 respectively and the above said amount was



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credited to the account of A1. Again, the petitioners sanctioned loan for a sum of Rs.10,00,000/- to A1. Thereafter, A1 and the second respondent refused to repay the loan amount to the Sriram Transport Finance Limited. The said finance company initiated arbitration proceedings in Arbitration No.1664 of 2017 on 03.12.2018 and notice also sent to A1 and the second respondent herein on 20.11.2018. After initiating Arbitration proceedings, the first accused said to have threatened the staffs of the said Finance company. Hence, the first petitioner gave a complaint to the first respondent Police on 09.11.2018. Based on which, the first respondent Police conducted an enquiry and he has not taken any steps against the first accused. Thereafter, A1 and the second respondent not appeared before the arbitration proceedings and the properties have given as a security was attached on 08.02.2019 and the same was intimated to them. As a counter blast, the second respondent wife of A1 filed a petition before the learned Judicial Magistrate, Pudukkottai under Section 153(3) alleging that her husband Jaleel Abbas created a foreged document and cheated her by colluding with the first petitioner and obtained loan. The first petitioner also gave a complaint against the second respondent herein and the enquiry was conducted by the first respondent on 24.12.2018 and thereafter an application under Section



200 r/w 156(3) of Cr.P.C. Was filed before the learned Judicial Magistrate No.II, Pudukkottai, on 13.08.2019 praying to register the FIR and the same was referred to the first respondent herein to investigate and file a report. Thereafter, a case in Crime No.18 of 2019 was registered for the offence under Sections 415, 420, 425, 463, 468, 491, 499, 506(i) and 510 of IPC against the second respondent and her husband A2 and others. The first respondent conducted investigation and filed a report as mistake of fact in C.C.No.25 of 2020 before the learned Judicial Magistrate No.II, Pudukkottai. Challenging the same, the petitioner filed this present criminal original petition.

3.Today, when the matter was taken up for hearing, even though there are some arguable points in this petition, the learned counsel for the petitioners seek permission of this Court to raise all the points before the trial Court at the time of trial. He also submitted that since this case is pending from 2020 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.

4. This Court is inclined to accept the request of the petitioners.

Hence, this petition is disposed of with the following directions:



1. The learned Judicial Magistrate No.II, Pudukkottai, is directed to dispose the case in C.C.No.25 of 2020 within a period of six months from the date of receipt of a copy of this order.
2. The petitioners is directed to raise all the points before the trial Court.
3. The petitioners are directed to appear before the trial Court on all hearing dates except the following hearings:
 - (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
 - (ii) The date of questioning under Section 313 Cr.P.C;
 - (iii) On the date of Judgement.
- 3.1.** The petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.
- 3.2.** The petitioners shall not dispute the identity of the witnesses.
- 3.3.** The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification.
- 3.4.** If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the



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petitioners in accordance with the judgment of Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

Consequently, the connected Criminal Miscellaneous Petition is closed.

12.02.2024

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

To

- 1.The Judicial Magistrate No.II,
Pudukkottai.
- 2.The Inspector of Tamilnadu,
District Crime Branch,
Pudukkottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

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