



Cont.P(MD).No.16816 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No. 16816 of 2022 and
Crl.M.P(MD).Nos.11252 and 11253 of 2022

Ramachandran

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai City,
Madurai District.
(Crime No.75 of 2021)

2.Elangovan

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the case in C.C.No.817 of 2021 on the file of the Judicial Magistrate No.V, Madurai and quash the same.

For Petitioner : Mr.Indrachithu

For Respondent No.1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

For 2nd respondent : Mr.A.V. Arun



Cont.P(MD).No.16816 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to call for the records pertaining to the case in C.C.No.817 of 2021 on the file of the Judicial Magistrate No.V, Madurai and quash the same.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property and he has leased out the property to the 2nd respondent / defacto complainant and received a sum of Rs.7,00,000/- from him for one of the shop. Subsequently, the said building has been demolished by the order of the Civil Court. Based on which, the defacto complainant had lodged the complaint before the respondent police and thereafter, respondent police concerned conducted investigation and filed a final report before the learned Judicial Magistrate No.5, Madurai and the same was taken on file in C.C.No.817 of 2021. He would further submit that in order to give a criminal colour to the civil dispute, the 2nd respondent herein has given a false complaint against the petitioners and prays for allowing this petition.

3. The learned Additional Public Prosecutor appearing for the first respondent Police submitted that by way of false deed, the



Cont.P(MD).No.16816 of 2022

petitioner leased out the premises to the defacto complainant / tenant as he is owner of the property and also suppressed the fact that there is a civil dispute pending between the petitioner and the temple, who is the owner of the property and also submitted that by the grant of decree in favour of the temple, the temple had executed the decree in which, the building standing in the property was demolished.

4. The learned counsel appearing for the second respondent / defacto complainant submitted that after demolition of the building, the 2nd respondent asked the petitioner to return back the money, but, the petitioner has refused to pay the same and hence, he had lodged a complaint and prayed for dismissal of this petition.

5. Heard both sides and perusal of the materials available on record.

6. Considering the fact that the petitioner has received the money from the 2nd respondent / defacto complainant suppressing the fact that the civil dispute is pending between the petitioner and the temple and that he has refused to return back the amount after demolition of the



Cont.P(MD).No.16816 of 2022

building to the defacto complainant, this Court is not inclined to quash the proceedings in C.C.No.817 of 2021 pending on the file of the Judicial Magistrate No.V, Madurai at this stage. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

7. In the circumstances, the learned counsel appearing for the petitioner seeks direction of this Court for early disposal of the case in C.C.No.817 of 2021 on the file of the Judicial Magistrate No.V, Madurai. Hence, there shall be a direction to the trial Court to dispose of the case pending on its file within a period of three months from the date of receipt of a copy of this order.

23.04.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

trp



Cont.P(MD).No.16816 of 2022

To

WEB COPY

1. The Judicial Magistrate No.V, Madurai
2. The Inspector of Police,
Thideer Nagar Police Station,
Madurai City,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Cont.P(MD).No.16816 of 2022

A.A.NAKKIRAN, J.

Trp

Crl.O.P(MD).No. 16816 of 2022 and
Crl.M.P(MD).Nos.11252 and 11253 of 2022

23.04.2024