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Crl.O.P.No.8799 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8799 of 2025
and Crl.M.P.No.5792 of 2025

K.Chandrasekaran

... Petitioner

vs.

The State Rep.
by the Inspector of Police,
CCIW-CID, Salem District.

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 18.10.2016 made in C.R.P.No.60 of 2015 on the file of the Principal Sessions Judge, Salem, reversing the order dated 10.03.2015 made in C.M.P.No.131 of 2014 in C.C.No.239 of 2013 on the file of the learned Judicial Magistrate-1, Salem, subsequently transferred to learned Judicial Magistrate No.4, Salem and renumbered as C.C.No.818 of 2020 .

For Petitioner : Mr.Raja
for M/s.N.Kolandaivelu



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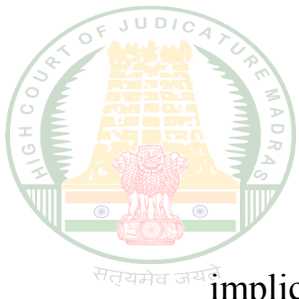
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For Respondent : Mr.A.Gopinath
Govt.Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed challenging the order passed by the Principal Sessions Judge, Salem in C.R.P.No.60 of 2015 dated 18.10.2016 allowing the revision petition filed by the respondent and setting aside the order of discharge passed by the learned Judicial Magistrate-1, Salem, in CMP.No.131 of 2014 in C.C.No.239 of 2013 .

2. The case of the prosecution is that the petitioner was working as Secretary in Palace Nagar Co-operative, Housing Society, Salem from 14.07.2006 to 18.12.2009. He was working under the Control of the Special Officers. The secretary's duty only to maintain the property of society. But the petitioner has no power to sell the houses. During his period, the petitioner did not cause any loss to the society. It was further submitted that since there was no misappropriation, therefore criminal proceeding was not initiated. While being so, the respondent has



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implicated the petitioner as 2nd accused in C.C.No.239 of 2013 on the file of the learned Judicial Magistrate No.1, Salem and subsequently transferred to learned Judicial Magistrate No.4, Salem and the same has been renumbered as C.C.No.818 of 2020 on the basis of that he has been working in the said society as Secretary.

3. It is the further case of the petitioner that the complaint was lodged by the Salem Town Cherry Road Palace Tower Residents Welfare Association for not executing the Sale deed in which, FIR was registered against the petitioner and others in Cr.No.3 of 2009 and charge sheet No.239/2013 was filed under Sections 120(B), 408 & 409 of IPC. Thereafter, the petitioner filed CMP.No.131/2014 before the learned Judicial Magistrate No.1, Salem and the same was allowed in favour of the petitioner . Against which, the criminal revision petition was filed before the Principal Sessions Court, Salem in CRP.No.60 of 2015 and the same was allowed on 18.10.2016. Aggrieved by the same, the petitioner has come forward with the present criminal original petition.



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4. Heard the learned Counsel appearing on either side and perused the materials placed on record.

5. A perusal of the records would show that after the period of 9 years from the date of order passed by the Principal Sessions Court in CRP.No.60 of 2015 dated 18.10.2016, there is absolutely no explanation for the huge delay in filing this petition. Though the petition is not maintainable and the petitioner as the 2nd accused to attract the offence, charge sheet was filed by the Trial Court.

6. In view of the above, this Court is not inclined to allow this petition. Hence, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

25.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The Inspector of Police,
CCIW-CID, Salem District.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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