



Crl.O.P.No. 17038 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.03.2025

Pronounced on : 25.03.2025

CORAM:

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

Crl.O.P.No.17038 of 2024

and

Crl.M.P.Nos.10254 of 2024 and 4577 of 2025

1.Dr.K.Makudamudi

2.K.P.R.Balakrishnan

3.Dr.D.Manivannan

4.Dr.P.Thirugnanasamantham

5.Dr.G.S.Kumar

... Petitioners

Vs.

D.Mani

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the proceedings in C.C.No.23 of 2024 on the file of the learned Judicial Magistrate, No.II, Kallakurichi and to quash the same.



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For Petitioners : Mr.N.Manoharan for
Mr.C.Santhosh Kumar

For Respondent : Mr.R.Shanmugasundaram,
Senior Counsel for
Mr.P.Thilagan

ORDER

This petition has been filed to quash the proceedings in C.C. No. 23 of 2024 on the file of the learned Judicial Magistrate No. II, Kallakurichi.

2. Heard both sides and perused the materials placed before this Court.

3. On the complaint lodged by the respondent under Section 200 of the Criminal Procedure Code, the Trial Court has taken cognizance in C.C. No. 23 of 2024 for the offences punishable under Sections 120B, 342, 385, 406, 420, 506(2) of the IPC r/w Section 34 of the IPC as against the accused persons. The respondent and his wife alleged that



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they were subjected to a life-threatening situation and were unlawfully confined for an entire night, during which they were coerced into executing certain documents. The respondent's school-going children were also confined to their house in Chennai. It was further alleged that under such duress, the respondent and his wife executed the deeds. The respondent further claimed that, prior to his resignation from the trusteeship, as per the resolution dated 13.10.1999, he and his wife were removed from their positions as trustees. The respondent also contended that the Education Trust, namely "Dr. R.K. Shanmugam Educational Trust", in which he and his wife acted as the Founders and Managing trustees, had unlawfully removed them from trusteeship and mismanaged the Trust's affairs.

4. The trust in question was established in 1996, where the respondent and his wife contributed land to the Trust as part of its formation. The respondent, on 01.07.1996, executed a settlement deed transferring ownership of 10 acres of land to the Trust. Subsequently, a supplementary deed of trust was executed on 21.06.1999, which included



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the accused persons as trustees. The respondent's wife resigned from her position on 22.06.1999 and the respondent himself resigned on 13.10.1999. Following their resignation, the respondent and his wife were removed from the trusteeship and the accused continued managing the trust. It was alleged that after their resignation, the respondent and his wife attempted to interfere in the trust's functioning, failed to surrender audited reports and attempted to obstruct the administration of the Trust. The Managing Trustee filed a suit in O.S. No. 942 of 2000 before the II Additional District Munsif Court, Kallakurichi, seeking a mandatory injunction to compel the respondent and his wife to deliver the audited accounts and restraining them from interfering in the trust's administration.

5. The suit was decided in favour of the petitioners and the respondent's contention was rejected by the Trial Court. The respondent's subsequent appeal in A.S. No. 16 of 2004 was also dismissed by the Sub Court, Kallakurichi and the appeal was confirmed by judgment and decree dated 24.08.2006. The second appeal filed by the



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respondent in S.A. No. 347 of 2013 was dismissed by this Court on 09.01.2015, further confirming the respondent's removal from the trusteeship. The respondent also challenged the Government Order (G.O.Ms.No.318, Higher Education Department, dated 16.11.2001) accepting the removal of the respondent and his wife from trusteeship and recognizing the petitioners as the rightful trustees. The respondent's writ petition in W.P. No. 28120 of 2004 was disposed of with directions to consider their representation, however, the Government passed a fresh order in G.O. (1D) No. 29 dated 03.02.2005, confirming the removal of the respondent and his wife as trustees.

6. After failing in the civil suits and proceedings, the respondent filed a partition suit in O.S. No. 39 of 2006 for a share in the trust's property in the name of his son. The suit was decreed. Despite the respondent's consistent legal defeat, he approached the Tahsildar for the transfer of patta, which was later reversed by the Revenue Divisional Officer and this decision was upheld by the District Revenue Officer in 2019. Subsequently, the respondent lodged a complaint with the Police



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(Special Land Grab Cell, Kallakurichi) based on the very same set of allegations. This complaint was investigated and subsequently closed. The respondent filed a direction petition before this Court in Crl.O.P. No. 10783 of 2014, which was dismissed by recording the submission that the complaint had been closed after enquiry. Despite multiple adverse judgments against him and the closure of his previous complaints, the respondent filed the present private complaint, based on identical allegations, which led to the issuance of summons by the Trial Court.

7. After a perusal of the entire record, this Court is of the view that the present complaint constitutes a clear abuse of process of law. The petitioners were duly recognized as trustees after all legal challenges were exhausted. The respondent's attempt to re-litigate the same issues, which have already been resolved in civil courts, amounts to vexatious litigation. The respondent has attempted to cloak a civil dispute with a criminal offence, despite the matter having ended in favour of the petitioners.

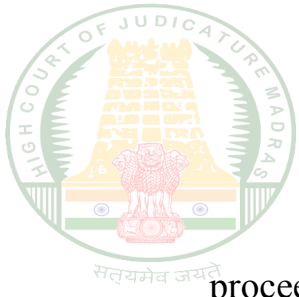


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8. It is evident that the respondent is pursuing this complaint with the intent of wreaking vengeance for past grievances. The complaint, filed after a period of 23 years, lacks the necessary ingredients to constitute the offences as alleged. Therefore, it would be sufficient for the Trial Court to examine the averments made in the complaint to ascertain whether the necessary ingredients to constitute the alleged offence are disclosed therein. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. Unfortunately, the Trial Court, without due consideration of the surrounding circumstances, has erroneously taken cognizance of the matter for the offences under Sections 120B, 342, 385, 406, 420, 506(2) of the IPC r/w Section 34 of the IPC and issued summons.

9. In view of the above, the proceedings in C.C. No. 23 of 2024 cannot be sustained and is liable to be quashed. Accordingly, the entire



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proceedings in C.C.No.23 of 2024 is hereby quashed and the Criminal
Original Petition stands allowed. Consequently, connected miscellaneous
petitions are closed.

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

- 1.Judicial Magistrate, No.II, Kallakurichi
2. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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Pre-delivery order made in
Crl.O.P.No.17038 of 2024 and
Crl.M.P.Nos.10254 of 2024 and 4577 of 2025

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