

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26182 of 2015
and
M.P.No.1 of 2015

S.Nithin Kumar

... Petitioner

Vs

1. The State rep. By
Inspector of Police, Crime Branch,
B3, Fort Police Station,
Chennai.
Crime No.01/2014)
2. S.Kalainesan,
Public Officer of
Tamil Development and News Department,
Secretariat,
Fort St.George,
Chennai.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for records in C.C.No.798 of 2015 in Crime No.01 of 2014
pending on the file of VII Metropolitan Magistrate, George Town,
Chennai District and quash the same.

For Petitioner : M/s.Nathan and Associates

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor for R1

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O R D E R

The present petition has been filed to call for records in
C.C.No.798 of 2015 in Crime No.01 of 2014 pending on the file of
VII Metropolitan Magistrate, George Town, Chennai District and
quash the same.

2. The petitioner herein is the first accused in the case. He has been charge sheeted for the alleged offence under sections 420,465 and 468 IPC.

3. The case of the prosecution is that the second respondent Kalainesan who is working as a Public Relation Officer in Secretariat, during enquiry, found that the petitioner had illegally used a fabricated Accreditation Card of 'Rajasthan Pathrikai' journal to enjoy the concessions given by the Railway department. Hence, a complaint was lodged and based on the investigation, the charge sheet was filed and the same was taken on file in C.C.No.798 of 2015. Now, the present petition has been filed to quash the C.C.No.798 of 2015. pending on the file of the VII Metropolitan Magistrate, George Town, Chennai District.

4. heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

5. It is well settled legal position that only when the allegation made in the complaint do not constitute an offence, for which, the accused is charge sheeted, the complaint could be quashed. In the instant case, the petitioner has not made out any case which comes within the purview of Section 482 Cr.P.C. warranting to quash the C.C.No.798 of 2015. The submissions made by the petitioner is all the matter of evidence. Therefore, this Court cannot entertain this petition. Hence, the criminal original petition is dismissed. Consequently, M.P.No.1 is closed.

Sd/-
Assistant Registrar(CS IV)

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सत्यमेव जयते
Sub Assistant Registrar

vsi

To

1. The Inspector of Police, Crime Branch,
B3, Fort Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Nathan and Associates, Advocate, S.R.No.62198

CrI.O.P.No.26182 of 2015

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