

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.7396 of 2015

and

M.P.Nos.1 & 2 of 2015

Fredy Ouseph

... Petitioner

Vs.,

1. State represented by:
The Inspector of Police,
V-5, Thirumangalam Police Station,
Anna Nagar, Chennai-600 040.

2. Soloman David ... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records of the case connected with the chargesheet in C.C.No.4491 of 2013 pending before the X Metropolitan Magistrate, Egmore, Chennai and to quash the same.

For Petitioner : Mr.S.Feroz Khan

For Respondents : Mr.C.Emalias, APP (For R1)

ORDER

This criminal original petition has been filed seeking to quash the criminal proceedings in C.C.No.4491 of 2013 pending on the file of the learned X Metropolitan Magistrate, Egmore, Chennai, as against the petitioner.

2. The petitioner herein has been arrayed as 1st accused in the criminal case in C.C.No.4491 of 2013 pending on the file of the learned X Metropolitan Magistrate, Egmore, Chennai, for the alleged offence under Sections 420 & 406 IPC. The allegation against the petitioner is that he along with the 2nd accused collected Rs.50 lakhs from the defacto-complainant on the promise that he would arrange 30 million US dollars from the international financial institutions; but, after collecting Rs.50 lakhs from the defacto-complainant, the petitioner did not arrange for the said loan amount and thus, cheated the petitioner. Now, the petitioner has come forward with the present petition seeking to quash the said criminal proceedings.

3. Heard the submissions made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and perused the materials available on record.

4. It is the main submission of the learned counsel for the petitioner that the transaction between the petitioner and the defacto-complainant is only a business transaction; now, with the false allegations, the complaint has been lodged by the defacto-complainant.

5. But, in my considered opinion, the said submission made by the learned counsel for the petitioner cannot serve as a ground to quash the proceedings. Further, from a perusal of the chargesheet, I find that it makes out a case within the ambit of Sections 420 & 406 IPC. The submissions made by the learned counsel for the petitioner, at the maximum, could be his defence at the time of trial. Hence, I do not find any merit in the present petition and the same is liable to be dismissed.

In fine, the criminal original petition fails and the same is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Ssv

Sd/-
Assistant Registrar (CS-VII)

/True Copy/

Sub-Assistant Registrar

To,

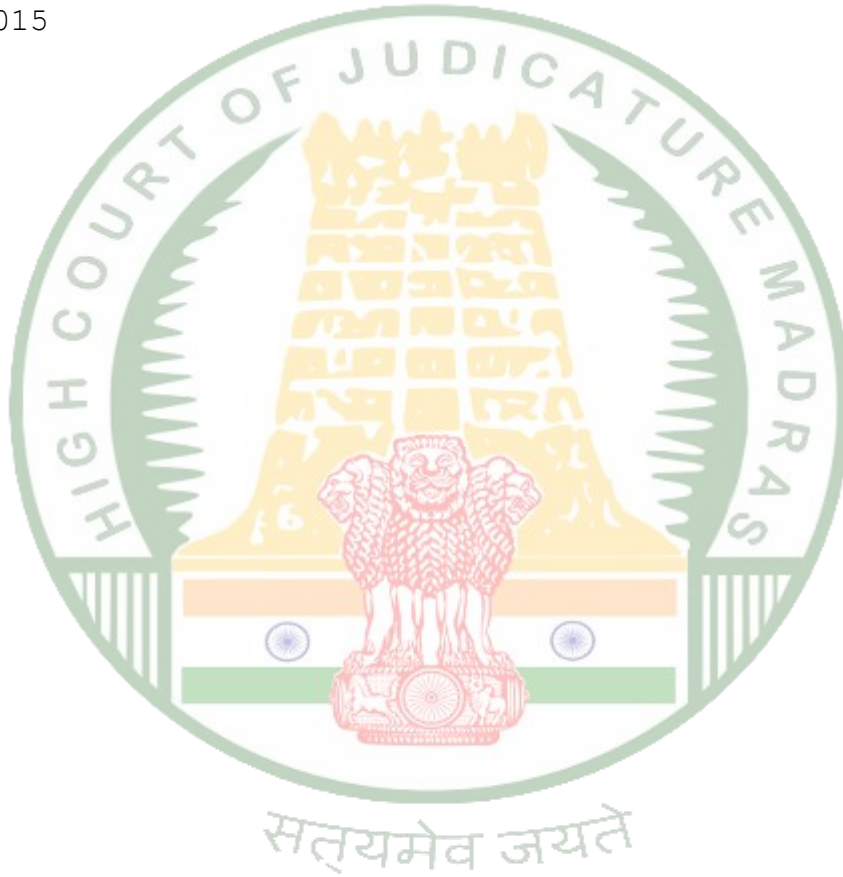
1. The The Inspector of Police,
V-5, Thirumangalam Police Station,
Anna Nagar, Chennai-600 040.
2. The Public Prosecutor,
Madras High Court, Madras.
3. The Chief Metropolitan Magistrate,
Egmore, Chennai

4. The Metropolitan Magistrate,
No.X, Egmore, Chennai

+3 C.C. To MR.S.Feroz khan, Advocate in SR.NO.64066

CrI.O.P.No.7396 of 2015
and
M.P.Nos.1 & 2 of 2015

SVI (CO)
sd : 10/12/2015



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