

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.11.2016
CORAM

THE HONOURABLE JUSTICE P.N.PRKASH
Crl.OP.No.24045 of 2016
and Crl.MP.Nos.11442 & 11457 of 2016

B.Rajagopal

.. Petitioner

Vs

State, rep. By
The Inspector of Police,
CID, Metro Wing, Madras.
Crime No.28 of 89

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to call for the records now pending in C.C.No.9621 of 2010 on the file of the learned XI Additional Metropolitan Magistrate, Saidapet, Chennai, and hear the counsel for the petitioner and quash all the charges framed by the XI Additional Metropolitan Magistrate, Saidapet, Chennai as well as the subsequent further proceedings.

For Petitioner : Mr.A.V.Somasundaram
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to quash the proceedings in C.C.No.9621 of 2010 on the file of the learned XI Additional Metropolitan Magistrate, Saidapet, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. On a complaint lodged by Industrial Development Bank of India, Bombay, the respondent police have registered a case in Crime No.28 of 1989, and after completing the investigation, have filed the final report in C.C. No.9621 of 2010, against the petitioner and charges were framed on 14.12.2005. The petitioner filed a discharge petition in Crl.MP.No.5150 of 2003 and the same was dismissed by the trial Court on 17.05.2004. Thereafter, the petitioner had challenged the said order and filed a Criminal Revision Case in Crl.R.C.No.159 of 2004 before the learned Additional Sessions Court, Fast Track Court-V, Chennai, which was dismissed by the Sessions Court on 25.10.2005. Now the present quash petition has been filed on the ground that there are certain infirmities in the charges and therefore, this Court should interfere.

4. In the considered opinion of this Court, there are no serious infirmities in the charges and even if there are, it is always open to the trial Court to alter the same in terms of Section 216 Cr.P.C. That apart, the proceedings cannot be quashed just because there is a defect in the charge, in the light of Section 464 Cr.P.C. Therefore, this Court will not interfere in proceedings under Section 482 Cr.P.C. to quash the charges. The trial Court is directed to proceed with the trial in accordance with law. If the petitioner does not co-operate, he can be remanded to custody as laid down by the Hon'ble Supreme Court in State of Uttarpradesh Vs Shambu Nath Singh reported in JT 2001[4] SC 319. Hence, this petition is dismissed. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To:

1.The XI Additional Metropolitan Magistrate
Saidapet Chennai

2.Do-Thro'The Chief Metropolitan Magistrate
Egmore Chennai

3.The Inspector of Police,
CID, Metro Wing, Madras.

4.The Public Prosecutor,
High Court, Chennai.

+1 cc to Mr.A.V.Somasundaram Advocate sr 63196

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