

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.25441 of 2012

M.P.No.1 of 2012 & CrI.M.P.No.1732 of 2016

1.R.Karpura Sundara Pandian

2.R.Raja Rajeswari .. Petitioners/Accused 1 & 2

Vs.

State represented by the
Inspector of Police,
CBCID, Metro Wing,
Chennai - 600 016.
Crime No.3/2009.

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.3253 of 2011 on the file of learned XI Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

For Petitioners : Mr.K.Chandramohan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

This petition is filed seeking a direction to the respondent to quash the proceedings in C.C.No.3253 of 2011 on the file of learned XI Metropolitan Magistrate Court, Saidapet, Chennai.

2.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.The grounds raised by the learned counsel for the petitioners are two fold. One is that the amount alleged in the complaint has been settled to the defacto complainant and that the offences under Sections 409, 465, 468, 471 & 477(A) of IPC has not been made out. Whether or not the petitioners have settled the amount, is a matter to be established during the course of trial and hence, I am not inclined to quash the

petition on that ground.

4. With regard to the other ground, that the offence has not been made out also, from the 161 statement as well as the other statements and the complaint, it is seen that the offence has been made out. If at all, the petitioners had the view that the offence has not been made out, it is always open to the petitioners to establish the same, during the course of trial and arguments. Hence, I do not find any interference required by way of quashing the proceedings at this stage.

5. With the result, the Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are closed.

/sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

nl/rts
To

1. The XI Metropolitan Magistrate Court,
Saidapet, Chennai
2. The Inspector of Police,
CBCID, Metro Wing,
Chennai - 600 016.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.25441 of 2012

MD: 21/11/2017

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