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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL OP(MD)No.11339 of 2017

and

CRL MP(MD)Nos.7788 & 7789 of 2017

1.Chandra
2.Vijay

: Petitioners/Accused No.1 & 2/
Accused No.1 & 2

Vs.

1.State Rep by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District,
(Crime No.543 of 2008)

: Respondent/Complainant
Complainant

2.Arunachala Pandian

: Respondent/Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the Final Report as made in C.C.No.29 of 2010 on the file of the Learned Judicial Magistrate, Manamadurai, Sivagangai District in relation to Crime No.543 of 2008 on the file of the Inspector of Police, Thiruppuvanam Police Station, Sivagangai District and quash the same as devoid of merits and illegal.

For Petitioner : Mr.J.Sankarapandian
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate(Crl.Side).

O R D E R

This Criminal Original Petition is filed to call for the Final Report as made in C.C.No.29 of 2010 on the file of the Learned Judicial Magistrate, Manamadurai, Sivagangai District in relation to Crime No.543 of 2008 on the file of the Inspector of Police, Thiruppuvanam Police Station, Sivagangai District and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) appearing for the first respondent.



3. This petition is filed to quash the criminal proceedings in C.C.No.29 of 2010 on the file of the learned Judicial Magistrate, Manamadurai, Sivagangai District.

4. Earlier, criminal complaint was registered on the basis of the complaint given by the second respondent in Crime No.543 of 2008 as against the petitioners, who are arrayed as accused Nos. 1 and 2. The allegation against the first petitioner is that the the petitioner has cheated the de facto complainant after receiving a sum of Rs.3,70,000/- on the basis that they would sell their land, where as the land for which the petitioners received money was already taken by the Government for Harijan Welfare Scheme. It was a clear case of cheating as per the allegations found in the complaint. The specific allegation is also made as against the second petitioner.

5. It was stated in the complaint that the second petitioner was in employment at Chennai and that urgent money was required only for the purpose of the second petitioner. Since the cognizable offence is made out against the petitioners as per the complaint the charge sheet also has been filed.

6. The learned counsel appearing for the petitioners submitted that the case ought not to have been registered as against the second petitioner and the allegation found in the charge sheet do not specifically involve the second petitioner. It was further submitted that the charge sheet does not contain the details of the land and the date on which the alleged offences were committed. The charge sheet need not be elaborated as the complaint in this case discloses cognizable offence with particulars. It is only on the basis of the complaint and the statements obtained from the various parties charges are framed consciously. When the charge sheet disclose offences and the manner in which the offence was committed as against the de facto complainant, this Court is not in a position to appreciate any of the contention of the learned counsel appearing for the petitioner.

7. The petitioners have admitted the receipt of payment on the false representation that was made to the de facto complainant about the ownership of the land, which was already taken over by the Government for Harijan Welfare Scheme. This petition is nothing but abuse of process and hence, this Court is not inclined to entertain this petition. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

8. The petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) towards cost to the credit of the Hon'ble Chief



Justice Relief Fund, Madras High Court, within a period of two weeks from the date of receipt of a copy of this order.

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/True Copy/

Sd/-

Assistant Registrar (RTI)

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Manamadurai, Sivagangai District
2. The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:-

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai

+One cc to Mr.S.Palani Velayutham, Advocate, SR.No.75309

trp
RL/6C/3P/MR/KKR/SAR1/12/9/2017

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