



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.OP.(MD) No.14444 of 2017

and

CRL.MP.(MD) No.9629 and 9630 of 2017

Nambi @ MGR Nambi ...Petitioner/Sole Accused

Vs.

1.The Inspector of Police,  
Thiruvenkadam Police Station,  
Thiruvenkadam  
Tirunelveli District. ... 1<sup>st</sup> Respondent / Complainant

2.Chinnsamy ...2<sup>nd</sup> Respondent / De-facto complainant

**PRAYER:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No.948 of 2017 on the file of the learned Judicial Magistrate Court, Sankarankovil and quash the same.

For Petitioner : Mr.T.Indrachithu  
For R1 : Mr.K.S.Duraipandian  
Additional Public Prosecutor

### ORDER

This Criminal Original Petition is filed to quash the proceedings in C.C.No.948 of 2017 on the file of the Judicial Magistrate Court, Sankarankovil.

2.The petitioner is the sole accused in C.C.No.948 of 2017. A complaint was lodged as against the petitioner and the same was registered in Cr.No.290 of 2012 for the alleged offences under Sections 420 and 506(ii) IPC. After investigation, charge sheet was filed on the file of the Judicial Magistrate Court, Sankarankovil, in C.C.No.948 of 2017.

3.The case of the de-facto complainant / second respondent is that the petitioner has cheated the second respondent to a tune of Rs.20,00,000/- (Rupees Twenty Lakh only). It is specifically stated that a sum of Rs.5,00,000/- was received by the petitioner by way of cash and the remaining amount was paid on the different occasions, by way of cheques. Even in the complaint, it is stated that the amount, which was paid through cheques were realized by the petitioner. Sum and substance, the allegation is that the petitioner has cheated the de-facto complainant to a tune of Rs.20,00,000/- under a false promise.



4.The learned Counsel for the petitioner states that in the second respondent's complaint, it was stated that the petitioner has received a sum of Rs.20,00,000/- for his personal needs, whereas, in the charge sheet and the statement obtained from the de-facto complainant/second respondent, it is stated that the petitioner has received a sum of Rs.20,00,000/- under the false promise of getting some post to the de-facto complainant, in the party, to which he belongs. Except the discrepancy, which is also evident from the complaint and the charge sheet, the petitioner has not submitted any other ground.

5.It is to be noted that the allegation is about defrauding the de-facto complainant by receiving a sum of Rs.20,00,000/- under a false promise. Hence, on the basis of probability or discrepancy in the nature of complaint, this Court is not inclined to entertain this Petition, particularly, when the allegation against the petitioner for cheating the de-facto complainant to the tune of Rs.20,00,000/-, remains intact. Hence this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,  
Thiruvankadam Police Station,  
Thiruvankadam Tirunelveli District.

2.The Judicial Magistrate , Sankarankovil.

CMR

MAS/KK/SAR1:07.11.2017:2P-3C

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