



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.17410 of 2017

and

CRL.MP.(MD) Nos.11426 and 11427 of 2017

M.Muniyandi

... Petitioner / Sole Accused

Vs.

1. The State represented by,
The Sub Inspector of Police,
Thiruppachetti Police Station,
Manamadurai Taluk,
Sivagangai District.
(Crime No.107 of 2013)

... 1st respondent / Complainant

2.K.Senthilkumar

... 2nd Respondent /
Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.317 of 2015 on the file of the Learned Additional District Munsif cum Judicial Magistrate, Manamadurai and quash the same as illegal.

For Petitioner
For R-1

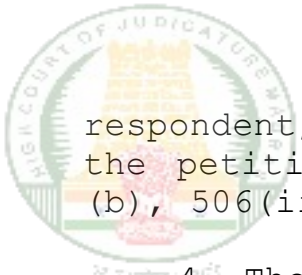
: Mr. V.Nagendran
: Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed for quashing the Charge Sheet in C.C.No.371 of 2015 on the file of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai, as illegal.

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

3. The petitioner is the sole accused in the criminal proceedings in C.C.No.317 of 2015 on the file of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai. Earlier on the basis of the complaint lodged by the second



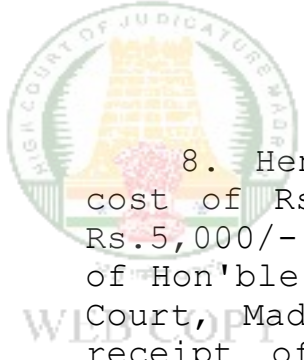
respondent, a case was registered in Crime No.107 of 2013 against the petitioner for the alleged offences under Sections 341, 294 (b), 506(ii) and 420 of I.P.C.

4. The allegation in the complaint is that the petitioner has received a sum of Rs.3,25,000/- from the defacto complainant under the guise of getting him a pass certificate in T.E.T. Examination. The specific allegation is that the petitioner has cheated the defacto complainant and threatened him when the defacto complainant demanded the money back. After filing charge sheet, the case was taken on file in C.C.No.317 of 2015 by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai. Challenging the criminal proceedings, this Criminal Original petition has been preferred by the petitioner/sole accused.

5. The learned counsel for the petitioner submitted that the registration of the First Information Report is an abuse of legal process and that the Charge Sheet is liable to be quashed. It is further submitted that a false complaint has been given against the petitioner with an intension to harass him. The learned counsel for the petitioner made an attempt to point out some discrepancies between the statement of the defacto complainant at the time of lodging the complaint and the statement that was given by him under section 161 of Cr.P.C., which are either immaterial or insignificant. The learned counsel further submitted that the occurrence was said to have happened on 01.05.2013.

6. In the complaint and the statement of the witnesses, the facts stated are slightly different. Except pointing out some discrepancies in the statement of witnesses and denying the allegations made in the complaint as well as in the Charge Sheet, the learned counsel for the petitioner has not made any other submission or raised any legal ground to sustain this petition. The learned counsel for the petitioner strenuously contended that the witnesses have admitted that the amount itself was paid after the Charge Sheet is laid. The learned counsel for the petitioner relied upon the statement of the defacto complainant wherein it is recorded that a sum of Rs.10,000/- was paid on 18.09.2014 and that thereafter further sum was paid. From the evidence that is recorded, the date was wrongly mentioned as 2014. It can be easily gathered. Hence the contention of the learned counsel for the petitioner taking into account the typographical error cannot be accepted.

7. It is to be noted that the statement itself was obtained only on 01.05.2013. Hence, it is unbelievable and it has to be taken that the defacto complainant has paid the amount only in the year 2014. It is only on the basis of such discrepancies and calculated intention, this petition to quash the proceedings has been filed. Hence, this Court has no other option but to dismiss this petition with cost.



8. Hence, the Criminal Original Petition is dismissed with cost of Rs.5,000/-. The petitioner is directed to pay a sum of Rs.5,000/-(Rupees Five Thousand only) towards costs to the credit of Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous petitions are closed.

9. Call the matter on 22.01.2018, for reporting compliance.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Inspector of Police,
Thiruppachetti Police Station,
Manamadurai Taluk, Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Section Officer,
Bills Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Nagendran ,Advocate Sr.No.94127

PMU

VB/JC/SAR4/19/01/2018/3P/6C

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