



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD) Nos.4549 and 17185 of 2016
and
Crl.M.P(MD)Nos.2260 and 8513 of 2016

Usha : Petitioner/A1 in Crl.OP(MD)No.4549/16
Vinsha : Petitioner/A3 in Crl.OP(MD)No.17185/16

-vs-

Karunakaran : Respondent/Complainant in both Petitions

Prayer: Criminal Original Petitions have been filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.241 of 2015 on the file of the Judicial Magistrate court No.1, Kuzhithurai and quash the as against the petitioners, respectively.

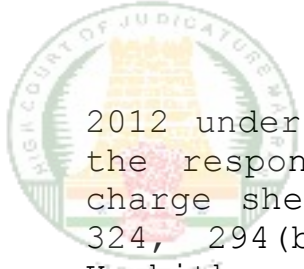
For Petitioners : Mr.S.Sivakumar

For Respondent : Mr.B.Brijesh Kishore

COMMON ORDER

These petitions have been filed, seeking to call for the records in C.C.No.241 of 2015 on the file of the Judicial Magistrate No.1, Kuzhithurai and quash the same as against the petitioners.

2.The learned counsel appearing for the petitioners would submit that the respondent filed the case in C.C.No.241 of 2015 under section 200 of Criminal Procedure Code for the alleged offences under Sections 120(b), 409 and 420 IPC before the Judicial Magistrate No.1, Kuzhithurai and that after a lapse of three years, this false complaint was given and there is no substantial ingredients in the complaint and that the petitioners are residing at Madurai and in order to grab money, the respondent conspired with his sister's husband Gopalan and one Kaliakkavilai Ex.Panchayat President L.Devadhas, fabricated the complaint and respondent sister's husband Gopalan managing the RR Bankers has committed fraud and hence, he was removed by the petitioner's father and a case was registered in Crime No.393 of



2012 under Sections 147, 323, 324, 294(b) and 506(ii) IPC against the respondent and his sister's husband Gopalan and others and charge sheet was filed in C.C.No.129 of 2013 under sections 323, 324, 294(b), 506(ii) IPC before the Judicial Magistrate No.1, Kuzhithurai and no charge sheet was filed against the respondent and the rest of the accused and due to which, the respondent and his sister's husband conspired together and foisted this case with an ulterior motive against the petitioners. Hence, the complaint filed in C.C.No.241 of 2015 has to be quashed.

3.The learned counsel appearing for the respondent would submit that the allegations stated in the petitions are false and these petitions are filed only to drag on the proceedings. Hence, he prayed for the dismissal of the petitions.

4.This court has carefully heard the submission made on either side and perused the entire materials available on record.

5.It is seen from the records that the respondent is working at Cooperative Marketing Society at Thingal Chanthai and his wife is working as a Superintendent at Juvenile Home, Palayamkottai and the respondent sister's husband M.Gopalan was managing the RR Bankers for a period of three years at a monthly salary of Rs.3,000/- and when the said Gopalan was working as a Manager in the RR Bankers, the respondent approached him and pledged his gold jewels weighing 37.500 grams and received a sum of Rs.74,000/- and for that a receipt bearing No.1293A was given.

6.Further, it is seen from the records that the respondent went to RR Bankers office and it was closed and thereafter, they went to A2 house and the respondent gave Rs.81,000/- in the hands of A1 and the same was verified by A3 and taken to inside the house and the respondent asked to make entry in the backside of the Lent Receipt for the receipt of the money with her signature and he was asked to come tomorrow to get back the jewels, but on the next day, the jewels were not returned and the above stated contention was made in the complaint by the respondent. Since, prima facie materials available against the petitioners, the real truth will come into light, only after conducting the trial of the case in C.C.No.241 of 2015. In view of the above circumstances, this court is of the considered view that the quash petitions filed by the petitioners are premature one and hence, the relief sought for by the petitioners cannot be granted at this stage.

7.In the result, these petitions are dismissed with a direction to the Judicial Magistrate No.I, Kuzhithurai, to post the case, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and



report the same to the Registry. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (C)

/True Copy/

Sub-Assistant Registrar

To,

1.The Judicial Magistrate No.1,
Kuzhithurai

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil

+One cc to Mr.B.Brijesh Kishore, Advocate, SR.No.15610

+2ccs to Mr.S.Sivakumar, Advocate, SR.Nos.15557 and 15558

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RL/6C/3P/JC/3.4.2017

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