

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Cr1.O.P.No.301 of 2015  
and  
M.P.No.1 of 2015

Venkatesan .... Petitioner/Accused

Vs.

1.State Rep by,  
Inspector of Police,  
District Crime Branch,  
Thiruvavarur.

2.Sathiyamurthy .... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings in C.C.No.311/2009 on the file of the learned Judicial Magistrate, Thiruvavarur.

For Petitioner : Mrs.S.Sridevi

For Respondents : Mr.T.Shunmuga Rajeswaran for R1  
Government Advocate

Mr.S.Senthil Kumar for R2

ORDER

The petitioner is the accused in C.C.No.311 of 2009 on the file of the Judicial Magistrate, Thiruvavarur.

2. The first respondent registered a First Information Report in Cr.No.8/2009 on the basis of the complaint dated

10.01.2009 preferred by the defacto complainant and on conclusion of the investigation filed a final report before the Judicial Magistrate, Thiruvvarur in C.C.No.311 of 2009 for an alleged offence under Section 420 IPC.

3. Mrs.S.Sridevi, the learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence as alleged by the prosecution and that the defacto complainant has lodged a complaint with the Inspector of Police, with false allegations against the present petitioner herein. It is contended that even the entire versions of the defacto complainant is taken to be true, the fact that the petitioner had deposited the title deeds of his property situated in Narikudi Village and also executed a promissory note dated 17.08.2003 for the loan amount obtained by him from the defacto complainant would clearly show that the petitioner has not committed the alleged offence under Section 420 of IPC and no criminal intention can be attributed to the respondent/complainant.

4. The learned counsel appearing for the petitioner also submitted that the defacto complainant had filed a suit in O.S.No.29/2010 before Subordinate Court, Tirvarur and the said suit was disposed of on 28.08.2014, by which, the petitioner was directed to pay a sum of Rs.5,30,775/- together with interest at the rate of 6% per annum from the date of suit till the date realization together with costs.

5. The learned Government Advocate would contend that the trial in C.C.No.311 of 2009 has already commenced and two witnesses have been examined on the side of the prosecution. He would further contend that the civil suit was filed subsequent to the filing of the final report in C.C.No.311/2009 and there are also sufficient materials available on record to proceed further as against the present petitioner. He would further contend that the witnesses examined on the side of the prosecution had clearly deposed about the criminal intention on the part of the petitioner and it is a matter for trial.

6. In the facts and circumstances of the present case, I do not find any reason to allow this petition. However, the trial Court is directed to dispose of the case in C.C.No.311 of 2009 on the file of the Judicial Magistrate, Thiruvvarur, within a period of three months from the date of receipt of a copy of this order.

7. With the above observations, this Criminal Original Petition is disposed off. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Judicial Magistrate,  
Thiruvarur.

2.The Inspector of Police,  
District Crime Branch,  
Thiruvarur.

+1cc to M/S.S.Sridevi, Advocate Sr.50195

CrI.O.P.No.301 of 2015  
and  
M.P.No.1 of 2015

ad[co]  
srg 10/09/2018

सत्यमेव जयते

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