

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

CRL.O.P.No.4655 of 2015

and

M.P.No.1 of 2015

S.Sudeer

... Petitioner

Vs

1. K.Rajkumar

2. R.Jagadeesh Kumar

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.82 of 2014 on the file of Judicial Magistrate Court-I, Coimbatore and quash the same.

For Petitioner : Mr.S.V.Karthikeyan
for Ms.A.Ajmath Begam

For Respondents : Mr.V.V.Sairam

O R D E R

The petitioner is the first accused in C.C.No.82/2014 on the file of Judicial Magistrate No.I, Coimbatore. He has filed the present petition to call for the records in C.C.No.82/2014 and quash the same.

2. The first respondent/Complainant has filed a private complaint under Section 200 Cr.P.C before the Judicial Magistrate No.I, Coimbatore against the present petitioner as well as the other accused one Mr.R.Jegadeesh Kumar, the 2nd respondent herein for the alleged offences punishable under Sections 454, 420, 120B and 506 IPC.

3. The primordial submission of the learned counsel appearing for the petitioner is that the 1st respondent has filed a false case against him, alleging that he has obtained a loan of Rs.6,12,200/- on 05.01.2012 from him (respondent) and executed a promissory note and also issued a cheque bearing No.052170 on 20.09.2013. It is also contended that the

1st respondent has taken inconsistent stand in his reply notice and the learned Judicial Magistrate without applying his mind had erroneously taken cognizance of the offences under Sections 454, 420, 120B and 506 IPC.

4. A perusal of the complaint in C.C.No.82/2014 clearly shows that there are prima facie materials to proceed against the accused and this Court cannot conduct any roving enquiry to find out whether the allegations made in the complaint are true or false. All the allegations levelled by the present petitioner are disputed question of facts which cannot be decided under Section 482 of Cr.P.C.

5. Therefore, I do not find any reason to quash the proceedings in C.C.No.82/2014 on the file of the Judicial Magistrate, No.I, Coimbatore. Accordingly, this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dss
To

1. The Judicial Magistrate Court-I,
Coimbatore.
2. -Do- Thro' The Chief Judicial Magistrate,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Ms.A.Ajmath Begam, Advocate Sr.39393
+lcc to Mr.V.V.Sairam, Advocate Sr.39829

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gj [co]
srg 17/07/2018