

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.27972 of 2013
and
M.P.Nos.1 and 2 of 2013

L.Sekar

... Petitioner

Vs.

State Represented by

1. The Inspector of Police,
Tirupur Rurel Police Station
Tirupur District,
Crime No.797 of 2012.

2. P.Neelamegam

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.377 of 2013 pending on the file of the learned Judicial Magistrate No.II, Tiruppur and quash the same.

For Petitioner : No Appearance
For Respondents : Mr.T.Shunmuga Rajeswaran for R1
Government Advocate
: R2- No Appearance

ORDER

No representation for the petitioner. The petitioner has filed the present petition to call for the records in C.C.No.377/2013 on the file of the Judicial Magistrate No.II, Tiruppur and to quash the same.

2. The Inspector of Police, Tiruppur Rural Police Station filed a final report against the present petitioner as well as five others for the alleged offences punishable under Sections 457 and 380 IPC in C.C.No.377 of 2013 on the file of the Judicial Magistrate No.II, Tiruppur, who took cognizance of the offence and issued summons to the accused. The petitioner, the fourth accused in C.C.No.377/2013 on the file of the Judicial Magistrate No.II, Tiruppur, has filed the present petition

contending that there are no specific ingredients to attract the offences under Sections 457 and 380 IPC and that the complaint made by the defacto complainant is totally false. He also pointed out, certain discrepancies in the final report with regard to the recovery of articles from the present petitioner.

3. The learned Government Advocate would contend that the petitioner is a habitual offender and that since there are 17 cases of similar nature pending against him, this petition is liable to be dismissed.

4. All the allegations made in the present petition are disputed questions of fact, which cannot be gone into, at this stage and that too in the petition filed under Section 482 of Criminal Procedure Code. Further more, the final report filed by the Inspector of Police, Tiruppur Rural Police Station, also shows that there are prima facie materials available on record to proceed further against the present petitioner. I therefore, do not find any reason to allow this petition.

5. However, the learned Judicial Magistrate No.II, Tiruppur, is directed to dispose of the case in C.C.No.377/2013, within a period of three months from the date of receipt of a copy of this order.

6. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dna
To

1. The Inspector of Police,
Tiruppur Rural Police Station
Tiruppur District, Crime No.797 of 2012.
2. The Judicial Magistrate No.II,
Kancheepuram.

CrI.O.P.No.27972 of 2013
and
M.P.Nos.1 and 2 of 2013

CS/04/09/18