

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No. 26227 of 2018
and Crl.M.P.Nos.15082 & 15085 of 2018

S.Gunasekar

..Petitioner/Accused

Vs

1.State represented by
The Inspector of Police,
CCB, Team-9, COP,
Chennai - 7.

... Respondent-1/Complainant

2.R.Dhanachaliyan

..Respondent-2/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. seeking to quash the Calander Case in C.C.No.4996 of 2016 on the file of CCB/CB-CID Metropolitan Magistrate, Allikulam at Chennai

For Petitioners : Mr.S.Kingston Jerold

For R1 : Mr.C.Raghavan,
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.4996 of 2016 pending on the file of CCB/CB-CID Metropolitan Magistrate Court, Allikulam at Chennai.

2. The learned counsel for the petitioner has raised various grounds before this Court justifying for quashing of the proceedings. All the grounds that have been raised by the learned counsel for the petitioner are factual in nature. The learned counsel also submitted that a false complaint has given in this case against the petitioner and he should not be made to suffer by undergoing the trial before the Court below.

3. This Court has a very limited jurisdiction under Section 482 of Crl.P.C, while considering the petition for quashing the proceedings. This Court cannot get into the realm of appreciation of evidence and this Court cannot give findings on the materials collected by the respondent police during the course of investigation. The truthness or otherwise of the case

has to be established only before the Court below during the course of the trial. Therefore, this Court is not in a position to entertain the factual issues raised by the learned counsel for the petitioner. It is open to the petitioner to raise all these grounds before the Court below in the course of the proceedings and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

4. This Criminal Original Petition is disposed of with a direction to the Court below and to complete the proceedings in C.C.No.4996 of 2016, within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

lpp/gsp

To

1. The Inspector of Police,
CCB, Team-9, COP,
Chennai - 7.

2. The Public Prosecutor
High Court, Madras.

+2cc to Mr.S.Kingston Jerold, Advocate sr.no.79340

CrI.O.P.No. 26227 of 2018
and
CrI.M.P.Nos.15082 & 15085 of 2018

mr(co)
nr 17/12/2018