

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.29244 of 2018

and

Crl.M.P.No.17153 and 17154 of 2018

Sankar @ Kambi Mechine Sankar ... Petitioner/ 4th Accused

Vs.

1.The Inspector of Police,
Annadanapatty Police Station,
Salem City.
(Crime No.333 of 2017) ... 1st Respondents/
Complainant

2.Ganesan ... 2nd Respondent / Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in S.C.No.57 of 2018 on the file of the Chief Judicial Magistrate, Salem quash the same.

For Petitioner : Mr.Mohamed Saifulla

For R-1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in S.C.No.57 of 2018, pending on the file of the Chief Judicial Magistrate, Salem.

2.The petitioner has been added as A4 in the final report and the Court below has taken cognizance for an offence under Section 341, 392, 392 r/w 397, 427, 506(i) and 506(ii) of IPC.

3.The learned counsel for the petitioner primarily raised the ground of Alibi and he has also stated that there was no need for the petitioner to have committed a robbery for a sum of

Rs.2,000/- since the petitioner is an income tax assessee having sufficient income. Therefore, according to the learned counsel for the petitioner, the entire complaint is false insofar as this petitioner is concerned.

4.The grounds raised by the learned counsel for the petitioner are purely factual in nature and it requires appreciation of evidence. The same cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. The petitioner will have to establish the same before the Court below in the course of the proceedings and the Court below shall consider the same on its own merits and accordance with law.

5.This Court is not inclined to interfere with the proceedings at this stage. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.57 of 2018 within a period of six months from the date of receipt of a copy of this order. Consequently, connected Crl.M.P.Nos.17153 and 17154 of 2018 are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

vsg1/ia

To

1.The Chief Judicial Magistrate, Salem.

2.The Inspector of Police,
Annadanapatty Police Station, Salem City.

Copy To : The Public Prosecutor, High Court, Madras.

+1cc to Mr.m.Mohamed Saifulla, Advocate SR.No.86655

CrI.O.P.No.29244 of 2018
and

CrI.M.P.No.17153 and 17154 of 2018

VGI (CO)
GMY (23/01/2019)