



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.2056 of 2018

and

CRL.M.P.(MD) Nos.893 and 906 of 2018

R.Prabakaran

... Petitioner/Accused No.1

-vs-

1.State rep. by

The Inspector of Police,

B1- Vilakkuthoon Police Station,

Madurai City.

...1st Respondent/Complainant.

2.Manikandan

...2nd Respondent/Defacto Complainant.

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet filed in C.C.No.13 of 2017, pending before the learned Judicial Magistrate No.I, Madurai and to quash the same as far as the petitioner's concerned.

For Petitioner : Mr.A.B.Jeeva

For R1 : Mr.Prabhu Ramachandran

Government Advocate (Crl.Side)

ORDER

This Petition has been filed by the petitioner/Accused No.1, to quash the proceedings in C.C.No.13 of 2017, on the file of the learned Judicial Magistrate No.I, Madurai.

2.The learned counsel appearing for the petitioner submitted that after nine months from the date of alleged theft of cell phone, First Information Report has been registered. He further submitted that the petitioner is an engineering graduate and preparing for Government examinations and he has been falsely implicated in this case.

3.The learned Government Advocate (Crl. Side) has submitted that based on the compliant given by the second respondent, a case has been registered in Crime No.1017 of 2017, under Section 379 I.P.C., and during the investigation, the petitioner was arrested and based on his confession, the property involved in this case, namely, cell phone has been recovered from the Accused No.2, and after completing the investigation charge sheet has been filed against the petitioner herein and the Accused No.2. He further



submitted that based on the charge sheet, the learned Judicial Magistrate No.I, Madurai has taken the case in C.C.No.13 of 2017.

4. According to the learned Government Advocate (Crl. Side), based on the confession given by the petitioner, the property involved in the said case, namely., cell phone has been recovered. Hence, this Court is of the view that a prima facie case is made out against the petitioner and therefore, at this stage, the case against the petitioner cannot be quashed.

5. In the result, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Madurai.

2. The Inspector of Police,
B1- Vilakkuthoon Police Station,
Madurai City.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.A.B.Jeeva, Advocate, SR.No. 47933

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AM/RSK/SAR 1/21.03.2018/2P/5C