



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD)No.17898 of 2018

and

Crl.M.P(MD)Nos.7943 and 7944 of 2018

1.K.Ignatius George

2. Grisilda Theresa

... Petitioners

Vs.

1. The State Rep. by
The Inspector of Police
District Crime Branch
Sivagangai

2.Sethurajan

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the CC.No.63 of 2018 pending on the file of the learned Judicial Magistrate No.II, Sivagangai and quash the proceedings as against the petitioners herein.

For Petitioners : Mr.D.Ramesh Kumar

For Respondent : Mr.M.Chandrasekaran
No.1 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.63 of 2018 on the file of the learned Judicial Magistrate No.II, Sivagangai.

2. The complaint was given by the second respondent on the ground that the accused persons had received a sum of Rs.49,000/- from him on the promise of getting a job for one of his relatives and thereafter job was not secured and this amount was not returned to the second respondent. The respondent police have investigated this case and have filed a final report before the court below for offences under Sections 420, 120(B) and 506(ii) of IPC.



3. The learned counsel for the petitioner would submit that earlier the defacto complainant had given a complaint before the District Crime Branch, Trichy and the police had enquired the case and had closed the compliant given by the second respondent. Concealing the same, the second respondent have given another petition under Section 156(3) before the learned Judicial Magistrate, Nagercool and on a direction given by the learned Magistrate the police have investigated the case and filed final report. The learned counsel would further submit that a false case has been given against the petitioners and they have been unnecessarily dragged into this criminal proceedings.

4. The learned Additional Public Prosecutor would submit that prima facie materials are available for the court below to frame charges and to proceed with the trial. All the grounds raised by the petitioners will have to be considered by the trial court only in the course of trial and all these facts cannot be appreciated by this court at the stage of considering the quash petition.

5. The grounds that have been raised by the learned counsel for the petitioner clearly falls within the realm of "appreciation of evidence". Likewise the documents sought to be relied upon by the petitioners cannot be gone into at the stage of considering the quash petition. These are defence materials which can be produced before the Court at the time of trial. It is left open to the petitioner to raise all the grounds that has been raised in this petition and the court below will consider the same on its own merits and pass appropriate orders in accordance with law.

6. The learned counsel for the petitioners requested this Court to dispense with the appearance of the second respondent since she is working as a teacher. Accepting the said submission, the appearance of the second petitioner shall be dispensed with and she shall be represented by the counsel before the Court below. The counsel representing the second petitioner shall cross examine the witness on the very same day when they are examined in chief and the second petitioner shall not question the identity of the witnesses. The second petitioner shall be present before the Court below at the time of framing charges, questioning under section 313 of Cr.P.C and at the time of passing judgment.

7. The entire case is borne out by records. Hence, there shall be a direction to the court below to complete the proceedings in C.C.No.63 of 2018 within a period of three months from the date of receipt of copy of this order.



8. The Criminal Original Petition is disposed of with the above direction. Consequently connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate No.II
Sivagangai
2. The Inspector of Police
District Crime Branch
Sivagangai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC To MR.D.RAMESH KUMAR, Advocate SR. NO. 89472

Cr1.O.P.(MD)No. 17898 of 2018
08.10.2018

TR/SKN/SAR-IV(29.10.2018)3P 5C