

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18199 of 2013 and
Crl.M.P.Nos.1 & 2 of 2013

Nagoor Basha

... Petitioner

Versus

State, represented by,
The Inspector of Police,
T.15, Sri Ramachandra Medical,
College Police Station,
Porur, Chennai-600 116.
(Crime No.311 of 2011)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the C.C.No.356 of 2011 on the file of the Judicial Magistrate Court No.I, Poonammallee, concerned in Crime No.311 of 2011 on the file of the Inspector of Police, T.15, SRMC Police Station, Porur, Chennai-600 114 and quash the same in so far as this petitioner is concerned.

For Petitioner : M/s.C.Prabakaran

For Respondent : M/s.S.Thankira
Government Advocate [Crl. Side]

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.356 of 2011 pending on the file of the Judicial Magistrate No.I, Poonamallee.

2.The defacto complainant who is hailing from Kerala was trapped by the petitioner and his friends to get the management seat in SRMC medical college, Porur, Chennai. On 26.07.2001 the accused received a sum of Rs.50,000/- (Rupees fifty thousand only). Thereafter on 27.07.2001, the accused threatened for demanding a sum of Rs.20,00,000/- as advance for the medical seat of Rs.55,00,000/-. Though the accused received the amount of Rs.50,000/-, neither got any seat nor returned the amount.

3.The learned counsel for the petitioner would submit that the petitioner is a college student and he has been falsely implicated in this case. He would further submit that the petitioner has not received the alleged amount of Rs.50,000/- towards securing the medical college seat, only the other accused had received the said amount. Hence, he prayed for quashing of the proceedings against the petitioner/A2.

4.The learned Government Advocate appearing on behalf of the respondent would submit that there are totally seven accused in which the petitioner is arrayed as A2. The petitioner and the other accused have been cheating several persons and one of such incidents came into the light and theory. The respondent Police on collection of materials during investigation filed the charge sheet before the learned Judicial Magistrate No.I, Poonamallee.

5.The issues that have been raised by the learned counsel for the petitioner are factual in nature and this Court is not in a position to appreciate these facts and it is only the Court below which has to consider the same in the course of proceedings on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage and it is left open to the petitioner to raise all the contentions before the Court below in the course of trial.

6.In the result this Criminal Original Petition stands dismissed by giving liberty to the petitioner to raise all the issues before the Court below and consequently, the connection Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Judicial Magistrate No.I,
Poonamallee.

2.-Do- Thro The Chief Judicial Magistrate,
Tiruvallur.

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3.The Inspector of Police,
T.15, Sri Ramachandra Medical,
College Police Station,
Porur, Chennai-600 116.

4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18199 of 2013

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srg 27/09/2019



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