

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1708 of 2015
and M.P.No.1 of 2015

Abdul Ahath

... Petitioner /Accused

Vs.

The Inspector of Police,
City Crime Branch Police Station,
Cuddalore.

(in Crime No.33 of 2012)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to case in C.C.No.179 of 2014 on the file of the learned District Munsif cum Judicial Magistrate at Parangipettai and quash the same.

For Petitioner : Mr.N.Ramesh

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor.

O R D E R

This petition has been filed to quash the proceedings in C.C.No.179 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Parangipettai, thereby taken cognizance for the offences punishable under Sections 468, 471 and 420 of IPC.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.33 of 2012 for the offences under Sections 468, 471 and 420 of IPC., as against the petitioner and filed charge sheet in C.C.No.179 of 2014 before the learned District Munsif cum Judicial Magistrate, Parangipettai. Hence he prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that there are specific allegations as against the petitioner to attract the offences under Sections 468, 471 and 420 of IPC. He further submitted that in the above case, the examination of the witness is going on and the case is posted on 26.03.2019 for examination of LW5. More over, all the points raised by the petitioner have to be considered only during the trial. Therefore, he prayed to dismiss this petition.

4. Heard Mr.N.Ramesh, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

5. It is seen from the charge there are specific avernments to attract the offences as against the petitioner. Further it is also seen that there are materials to connect the petitioner to the offences. More over all the points raised by the petitioner have to be considered only during the trial. The petitioner at liberty to raise all the points before the Court below during the trial.

6. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.179 of 2014. However, considering the case is of the year 2014, the trial Court is directed to complete the trial proceedings within a period of six months from the date of receipt of copy of this Order.

7. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jas/rts
To

1. The District Munsif cum Judicial Magistrate
Parangipettai

2.The Inspector of Police,
City Crime Branch Police Station,
Cuddalore.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.1708 of 2015
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srg 29/04/2019



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