

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P. No.20812 of 2015 and
CrI.M.P.Nos.1 & 2 of 2015

1.Alagar
2.Valantina
3.Thangadurai

... Petitioner/Accused 1, 2 & 3

Vs.

1.The Inspector of Police,
Dharapuram Police Station,
Dharapuram,
Tiruppur District. ...1st Respondent/Complainant

2.Suresh Kumar ... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records from the learned Judicial Magistrate, Dharapuram and quash the charge sheet in C.C.No.167 of 2015, pending on the file of the learned Judicial Magistrate, Dharapuram and quash the same as against the petitioner.

For Petitioner : M/s.S.Radhakrishnan

For 1st respondent : M/s.M.Prabhavathy,
Additional Public Prosecutor

For 2nd Respondent : Mr.C.S.Saravanan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.167 of 2015, pending on the file of the Judicial Magistrate Court, Dharapuram.

2.The learned counsel for the petitioners submitted that a civil case is given into a criminal colour. It is the case of contract entered into between the petitioners and the 2nd respondent to supply boiler materials. The 2nd respondent had filed the complaint before the 1st respondent, the 1st respondent did not register any case. Hence, the 2nd respondent filed a

complaint before the learned Judicial Magistrate, Dharapuram, which was forwarded under Section 156(3) of Cr.P.C to the 1st respondent for registration of case. Thereafter, the 1st respondent registered a case in Crime No.406 of 2014 for the offence under Sections 417 and 506(ii) of IPC. Further, the petitioners had moved a direction petition in CrI.O.P.No.35250 of 2015 before this Court for filing final report. The 1st respondent without conducting enquiry had filed the charge sheet because of the steps taken by the 2nd respondent. Assailing the reasons, the petitioner had filed this quash petition.

3.Now the learned counsel for the petitioner seeks permission of this Court to withdraw this Criminal Original Petition. He has made an endorsement to that effect.

4.In view of the endorsement made by the learned counsel for the petitioner, this Criminal Original Petition is dismissed as withdrawn. Consequently, the connected miscellaneous petitioners are closed.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

vv2

To

1. The Judicial Magistrate, Dharapuram

2.The Inspector of Police,
Dharapuram Police Station,
Dharapuram,
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Radhakrishnan, Advocate SR.No.98252

CrI.O.P.No.20812 of 2015

RJI (CO)
GMY (29/11/2019)