

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3694 of 2019
and
Crl.Mp.No.2306 of 2019

N.Guru @Subramani

...Petitioner

Vs.

1.The State,
Rep by the Inspector of Police,
Dharapuram Police Station,
Tirupur District.
Crime No. 147/2016.

2.M.Kumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the charge sheet in PRC. No.02 of 2017 on the file of the Judicial Magistrate Court Dharapuram.

For Petitioner : Mr.N.Stalin

For Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 482 of Cr.P.C. to to under Section 482 Cr.P.C., to call for the records and quash the charge sheet in PRC. No.02 of 2017 on the file of the Judicial Magistrate Court Dharapuram.

2.The case of the prosecution is that the petitioner along with other accused persons made a call to the defacto complainant and informed that they can help the defacto complainant to purchase the iron raw materials worth Rs.1 lakh at Dharapuram and handed over "Sempu Vessel" in his hand and extorted a sum of Rs.1,02,500/-. Hence, a case has been registered by the 1st respondent against the petitioner and other

accused for the offence under Sections 394, 395 r/w 397 IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is only the 10th accused and he has not enjoyed any amount through the above said case. The petitioner was added as an accused in the charge sheet at the later point of time. There is no specific allegation or specific averments or materials available to connect the petitioner to the charge for the alleged offences under section 394, 395 r/w 397 IPC. Accordingly, prays for quashing the complaint.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused have committed a serious offence. Accordingly, prays for dismissal of the petition.

5.Considering the gravity of offence committed by the petitioner, this Court is not inclined to quash the complaint. All the points raised by the petitioner have to be looked into during the trial.

6.Accordingly, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn/kas

To

1.The Inspector of Police,
Dharapuram Police Station,
Tirupur District.
Crime No. 147/2016.

2.The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P.No.3694 of 2019
and
Crl.Mp.No.2306 of 2019

PM(CO)
GN(23/03/2019)