

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3860 of 2019
and
Crl.M.P.Nos.2393 & 2394 of 2019

G.R.K.Chinna ...Petitioner /Accused
Vs.

1.State rep. by
The Inspector of Police
S-15, Selaiyur Police Station
Chennai
Crime No.576 of 2010

2.S.Padma ...Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.52 of 2011 pending trial on the file of the Judicial Magistrate, Tambaram and quash the same.

For Petitioner : M/s.Soundar Vijay Arul Ram

For Respondent No.1 : M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 482 Cr.P.C., to call for the records in C.C.No.52 of 2011 pending trial on the file of the Judicial Magistrate, Tambaram and quash the same.

2.The case of the prosecution is that one Padma, wife of Samson lodged a complaint before the respondent police stating that one Karpagam approached her for Diwali Fund and requested her to deposit Rs.300/- to Rs.500/- and she will be given gold coin and gifts and asked her to introduce 10 members. Believing the words of Karpagam they have joined in the said Diwali fund but they were cheated by the said Karpagam.

3.The learned counsel appearing for the petitioner would

submit that the no one spoken about the petitioner in the complaint and no charge has been made out as against the petitioner. Even in the confession statement of the co-accused the petitioner was not implicated as accused. The learned counsel would further submit that there is no absolutely any materials to track charges for the offences under Section 417 and 420 IPC. Therefore sought for quashing the entire proceedings in C.C.No.52/2011.

4.The learned Additional Public Prosecutor would submit that that there are three accused. The petitioner is the 3rd accused. Non bailable warrant is pending as against all the three accused. The learned Additional Public Prosecutor would further submit that C.C.No.52 of 2011 for the offence under Section 417 and 420 IPC taken cognisance in the year 2011. Only because of the absence of the accused, the trial could not be commenced. Therefore, sought for dismissal of the same.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

6.It is seen from the records that there are three accused and the petitioner is the 3rd accused. Admittedly, the case is of the year 2011 and NBW is pending as against all the accused persons till now. Further, this Court cannot entertain the petition as the same lacks merit. All the points raised by the petitioner shall be established during the Trial. Accordingly, this criminal original petition stand dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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सत्यमेव जयते Sub Assistant Registrar

kas

To

1.The Judicial Magistrate
Tambaram

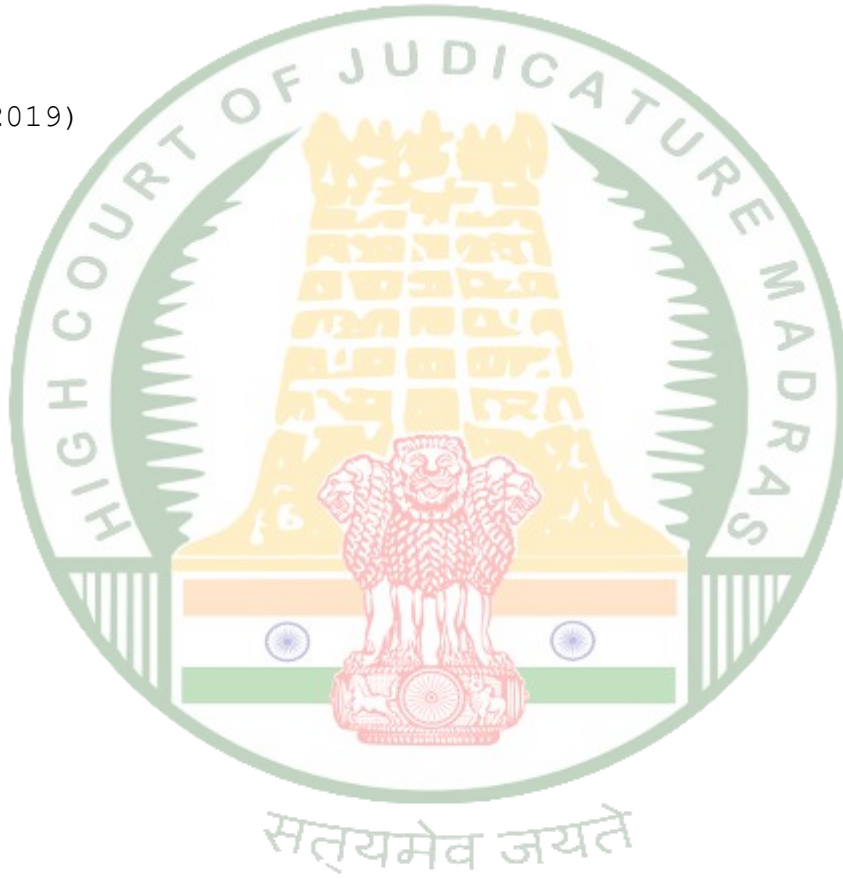
2.The Inspector of Police
S-15, Selaiyur Police Station
Chennai
Crime No.576 of 2010

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

Crl.O.P.No.3860 of 2019
and
Crl.M.P.Nos.2393 & 2394 of 2019

SJ(CO)
GN(11/03/2019)



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