

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6494 of 2019

and

Crl.M.P.Nos.3583 & 3584 of 2019

Tmt.V.Vengamma

.. Petitioner/Accused 5

Vs

1. State Rep by

The Inspector of Police,
Central Crime Branch,
EDF I, Team II,
Veperiy, Chennai - 600 007.

... 1st Respondent/Complainant

2. R.Maniyam

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in C.C.No.1176 of 2015 pending on the file of the Metropolitan Magistrate for CCB & CBCID cases at Egmore, Chennai and quash the same as against the petitioner.

For Petitioner : Mr.S.Shanmuga Velayutham

For R1 : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed to call for the records relating to the proceedings in C.C.No.1176 of 2015 pending on the file of the Metropolitan Magistrate for CCB & CBCID cases at Egmore, Chennai and quash the same.

2. The learned counsel appearing for the petitioner would submit that there are totally six accused persons in this case and the present petitioner is A5. As per the statement under Section 161 Cr.P.C., recorded by the defacto complainant, there is absolutely no allegation made against the petitioner. In fact, this Court has already quashed the proceedings as against A6 in Crl.O.P.No. 23851 of 2018 and the petitioner is also standing in the same footing as that of A6.

3. The learned Government Advocate (Crl. Side) submitted that there is specific allegation made against this petitioner. He further submitted that in respect of A6 is concerned, this Court had called upon the defacto complainant and he deposed that A6 has nothing to do with the offence and there is no specific allegation as against him. Hence, this Court has quashed the proceedings as against A6.

4. Heard, Mr.S.Shanmuga Velayutham, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl. Side) appearing for the first respondent.

5. It is seen that there are totally six accused persons in this case and the petitioner is arrayed as A5. A reading of the 161 statement given by the defacto complainant would show that there are absolutely no allegation as against A6 concerned and based on the deposition of the defacto complainant the proceedings were quashed against A6 in Crl.O.P.No. 23851 of 2018. However, the deposition of the defacto complainant is not applicable to the present petitioner.

6. Considering the facts and circumstances of the case, the present petitioner/A5 cannot stand in the same footing as that of A6, since she was connected with the crime against the second respondent. Therefore, this Court is not inclined to entertain this petition. Accordingly, the Criminal Original Petition is dismissed and this Court directs the learned Metropolitan Magistrate for CCB & CBCID cases, Egmore, Chennai to dispose of the case in C.C.No.1176 of 2015 within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Metropolitan Magistrate
for CCB & CBCID cases,
Egmore, Chennai.

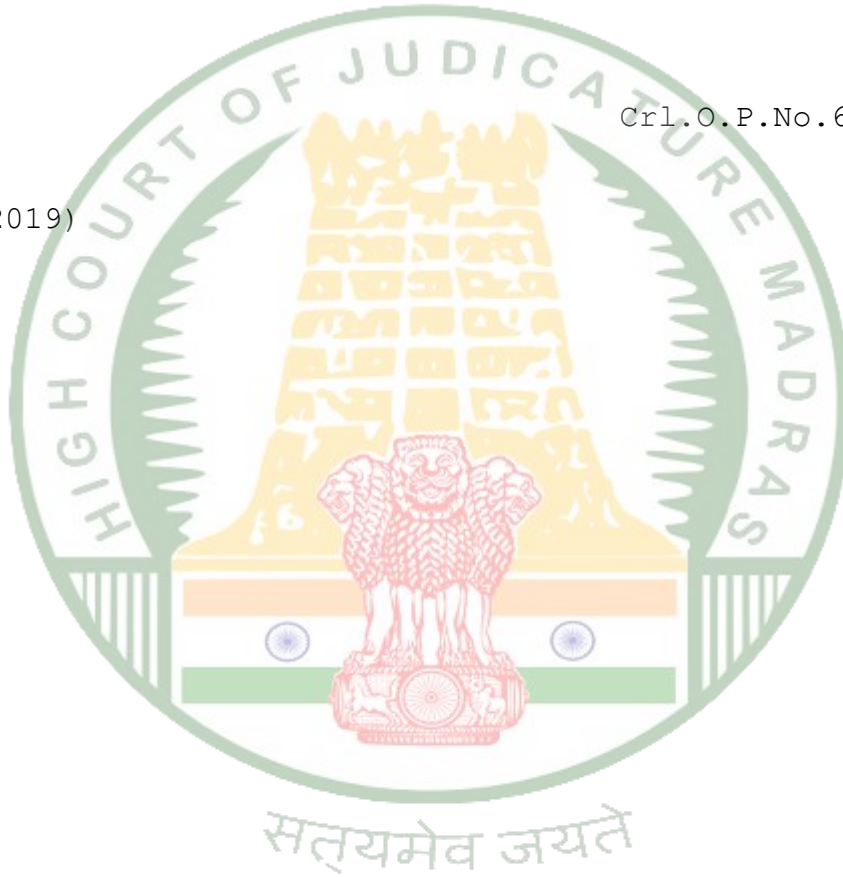
2. The Inspector of Police,
Central Crime Branch,
EDF I, Team II,
Vepery, Chennai - 600 007.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Mylord Law Associates, K.Arul Jothi,
Advocate, S.R.No. 26131

Crl.O.P.No.6494 of 2019

PM(CO)
GN(06/05/2019)



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