

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7630 of 2019
and Crl.M.P.Nos.4175 & 4176 of 2019

1.J.Jayaprakash ... Petitioner/Accused -1

Vs.

1.State represented by
The Inspector of Police,
Central Crime Branch,
EDF-I, Team-II, Veppery,
Chennai - 600 007. ... 1st Respondent/Complainant

2.N.Sudhakar ... 2nd Respondent/Defactp-Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.2675 of 2018 on the file of the CCB/CBCID Special Court, Egmore, Chennai and quash the same as against the petitioner.

For Petitioner : Mr.Shanmugavelayutham,
Senior Counsel
for Mr.T.Vijayaraghavan

For Respondents : Mr.C.Raghavan, for R1
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.2675 of 2018 on the file of the CCB/CBCID Special Court, Egmore, Chennai, having been taken cognizance for the offences punishable under Sections 408, 420 and 120(B) of IPC.

2.The learned Counsel appearing for the petitioner would submit that the petitioner is 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.20 of 2017 for the offences under Sections 408, 420 and 120 (B) of IPC, as against the petitioner and filed charge sheet in C.C.No.2675 of 2018 before the CCB/CBCID Special Court, Egmore,

Chennai. Hence he prayed to quash the same.

3. The learned Government Advocate would submit that there are specific allegations as against these petitioners to attract the offences under Sections 408, 420 and 120(B) of IPC. He further submitted that there are only five witnesses in this case and all the points raised by the petitioners have to be considered only during the trial. Therefore, he prayed to dismiss this petition.

4. Heard learned counsel appearing for the petitioner and learned Government Advocate appearing for the first 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. Moreover all the points raised by the petitioner has to be considered only during the trial. The petitioner is 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.2675 of 2018. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

AT

To

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

2. The CCB/CBCID Special Court, Egmore, Chennai.

3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.T.Vijaya Raghavan, Advocate SR.No.27590

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GJ II (CO)
GMY (03/04/2019)