



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No. 12226 of 2019,

Sunil Kumar @ Sunil Lalwani

...Petitioner

Vs.

1. The State rep. By
The Sub Inspector of Police,
CCB, Team-II,
Vepery, Chennai
(Crime No.207/2009)

2. R.Ganesan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the criminal case in C.C No.3117 of 2017 on the file of the learned Magistrate, CCB Court, Egmore, Chennai and quash the same by allowing this quash petition.

For Petitioner : Mr.Krishnan.P

For 1st Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in C.C No.3117 of 2017 on the file of the Metropolitan Magistrate, For the exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

2. The case of the prosecution is that the de-facto complainant is in the business of selling cement bags. In the course of his business, the de-facto complainant had supplied cement bags to A1 to A3 and instead of using the cement bags for construction, it was in turn sold by them in the open market and the amount due to the de-facto complainant was also not paid. The petitioner is added as A4 on the ground that he was the one who introduced the other accused persons to the de-facto complainant.



3. The learned counsel for the petitioner submitted that there are absolutely no materials to maintain the final report as against the petitioner. The learned counsel further submitted that the entire allegations are only against A1 to A3 and the petitioner has been roped in, on the ground of criminal conspiracy without any materials.

4. Notice was sent to the 2nd respondent and it has been returned on the ground that the 2nd respondent has died on 13.02.2019. The death certificate has also been placed before this Court.

5. Heard the learned Additional Public Prosecutor appearing on behalf of the first respondent.

6. This Court does not find any materials as against the petitioner. The entire allegations have been made only against A1 to A3 on the ground that they have failed to clear the amount for the cement bags received from the de-facto complainant. The petitioner is attempted to be made as an accused on the ground that he introduced the accused persons. This Court does not find any material to rope in, the petitioner as an accused on the ground of criminal conspiracy. The proceedings as against the petitioner is an abuse of process of Court.

7. In the result, the proceedings in C.C No.3117 of 2017 on the file of the Metropolitan Magistrate, For the exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, is hereby quashed insofar as the petitioner is concerned and accordingly, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate,
For the exclusive trial of CCB Cases
(Relating to Cheating Cases in Chennai)
and CBCID Metro Cases,
Egmore, Chennai



WEB COPY

2. The Sub Inspector of Police,
CCB, Team-II,
Vepery, Chennai

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.P.Krishnan, Advocate, S.R.No.62728

CRL.OP.No.12226 of 2019

PA(CO)
SSM(27/08/2019)