

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.3265 of 2014
and M.P.No.1 of 2014

1. K.V.Sivasubramaniam
2. Akilandeswari Sivasubramaniam ... Petitioners

Vs.

1. The Sub Inspector of Police,
Team II, Central Crime Branch,
O/o. The Commissioner of Police,
Chennai.

2. Bharat Steel Syndicate,
No.174/15, TH Road,
Tondiarpet,
Chennai - 600 081.
Rep by
Harsh Vardhan Garg ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.333 of 2013 on the file of the learned III Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.A.Thirumaran

For Respondents

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.333 of 2013 on the file of the learned III Metropolitan Magistrate, George Town, Chennai, having been taken cognizance for the offences punishable under Section 420 r/w 34 of IPC.

2. The learned Counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have

not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.376 of 2009 for the offences under Sections 420 r/w 34 of IPC, as against the petitioner and filed charge sheet in C.C.No.333 of 2013 before the III Metropolitan Magistrate, George Town, Chennai. Hence he prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that there are specific allegations as against the petitioners to attract the offence under Section 420 r/w 34 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 Mr.A.Thirumaran, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent.

5. It is seen from the charge there are specific averments to attract the offences as against the petitioners. Further it is also seen that there are materials to connect the petitioner to the offences. More over all the points raised by the petitioners have to be considered only during the trial. The petitioners 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.333 of 2013. However, considering the case is of the year 2013, the trial Court is directed to complete the trial proceedings within a period of six months from the date of receipt of copy of this Order.

7. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Judge,
III Metropolitan Magistrate Court,
George Town, Chennai

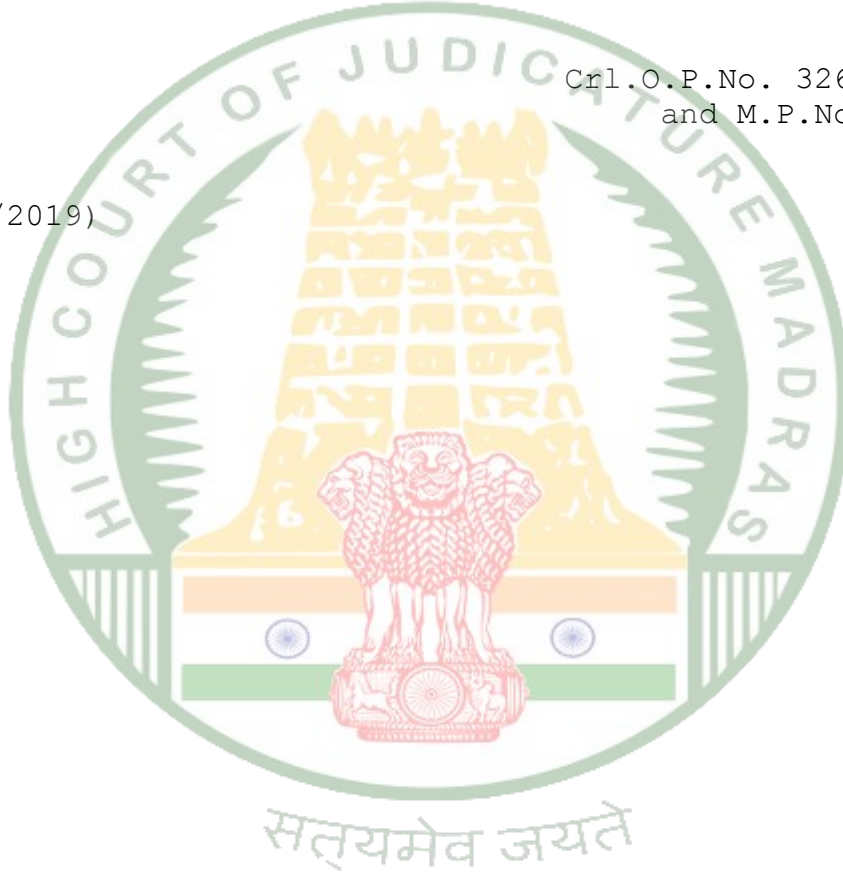
2. The Sub Inspector of Police,
Team II, Central Crime Branch,
O/o. The Commissioner of Police,
Chennai.

3. The Public Prosecutor,
High Court, Chennai.

+lcc to Mr.Thirumaran, Advocate, S.R.No.13789

Crl.O.P.No. 3265 of 2014
and M.P.No.1 of 2014

MG (CO)
GN(27/03/2019)



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