



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2019

CORAM :

**THE HONOURABLE MR.JUSTICE N.SESHASAYEE**

Crl.O.P.(MD)No.3069 of 2019

and

Crl.M.P.(MD)No.1703 and 1704 of 2019

Muniyasamy ... Petitioner/Accused -A3  
/Vs./

1.The Inspector of Police,  
Srivilliputhur Town Police Station,  
Srivilliputhur, Virudhunagar District.  
[Crime No.747 of 2015] ...1<sup>st</sup> Respondent/Complainant

2.Selvaraj ... 2<sup>nd</sup> Respondent/Defacto Complainant

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the complaint in C.C.No.303 of 2016 on the file of the Judicial Magistrate Court No.II, Srivilliputhur and quash the same as illegal in respect of the petitioner alone.

For Petitioner : Mr.T.Vadivelan  
For R-1 : Mr.A.P.G.Ohm Chairma Prabhu  
Government Advocate (Crl. Side)

**ORDER**

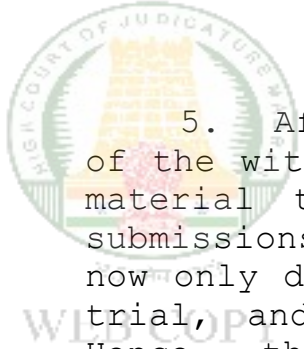
The present petition is filed by the petitioner / A3 to quash the charge sheet filed by the first respondent after investigating the offence under Section 420 r/w 34 IPC and now pending in C.C.No.319 of 2016. The charges are yet to be framed.

2. The essence of the allegation is that on a representation made by the present petitioner, the defacto complainant has parted with money to one Veerasamy [A2].

3. The learned counsel appearing for the petitioner is that no specific overt act has been made against the present petitioner.

4. Heard the learned counsel appearing for the petitioner and

the learned Government Advocate (crl. Side).



5. After carefully going through the FIR and the statements of the witnesses, this Court does find that there are *prima facie* material to frame charges against the accused. Much of the submissions by the learned counsel appearing for the petitioner now only disclose the line of defence which may be adopted during trial, and the same may have to be tested only during trial. Hence, this Court does not find merit in this petition. Accordingly, this petition is dismissed.

6. The appearance of the petitioner is however, dispensed with, unless the trial Court requires his presence for which notice to his counsel would be adequate and there is no need to issue summons to the present petitioner. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,  
Srivilliputhur Town Police Station,  
Srivilliputhur, Virudhunagar District.

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s. T. VADIVELAN, Advocate ( SR-51429[F] dated  
04/03/2019 )

SM

Order made in  
Cr1.O.P. (MD) No. 3069 of 2019  
28.02.2019

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