



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CRL.O.P. (MD) No.10972 of 2014

and

M.P. (MD) No.1 of 2014

WEB COPY

1. Rathina Raj
2. Bastin
3. Velanganni

...Petitioners/Accused Nos.1 to 3

Vs.

R.Vijay Sundar

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings in C.C.No.82 of 2014 on the file of the learned Judicial Magistrate No.IV, Tiruchirappalli.

For Petitioners : Mr.T.Lenin Kumar
For Respondent : Mr.M.Pitchaimuthu

ORDER

This Criminal Original petition has been filed for quashing the proceedings in C.C.No.82 of 2014 on the file of the Judicial Magistrate No.IV, Tiruchirappalli.

2. Heard the learned counsel on either side.

3. It is a private complaint. The respondent herein has alleged that he parted with a sum of Rs.6,75,000/- to the first petitioner herein, namely, Rathina Raj. The first petitioner herein Rathina Raj and the respondent herein were partners. The said amount was said to have been received by the first petitioner for development of the partnership business. The specific allegation of the respondent herein is that the first petitioner had a dishonest intention even from the inception and that he was induced to part with the said amount and that thereby he suffered a wrongful loss.

4. But then, the respondent had arrayed not only Rathina Raj as an accused, but also his father Bastin and his wife Velanganni.

5. I carefully went through the contents of the private complaint. It is seen that there is absolutely no material to sustain the allegation against the second petitioner Bastin or the third petitioner Velanganni. Therefore, in this background, the learned counsel appearing for the petitioners submitted that he would not press this petition as far as the first petitioner and



that he would face the trial. Likewise the learned counsel appearing for the complainant also submitted that they have no objection for allowing this Criminal Original petition as far as accused Nos.2 and 3 are concerned.

6. In this view of the matter, the impugned proceedings are quashed and this Criminal Original petition stands allowed as far as the second petitioner herein/accused No2 Bastin and the third petitioner herein/accused No.3 Velanganni are concerned.

7. Since C.C. is of the year 2014, the learned trial Magistrate is directed to conclude the trial within a period of eight months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.IV,
Tiruchirappalli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-86439[F] dated 13/09/2019)

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