



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.2588 of 2015

Ramesh Babu

... Petitioner/Accused No.2

Vs

1.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

: 1st Respondent/Complainant

2.RGM.Deivakani

: 2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records and quash the proceeding in C.C.No.175 of 2014 on the file of the Judicial Magistrate No.2, Ramanathapuram.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 : Mr.K.Kumaravel

ORDER

The petitioner is facing trial in C.C.No.175 of 2014 on the file of the Judicial Magistrate No.2, Ramanathapuram for the offence under Section 420 of IPC. To quash the same, this criminal original petition has been filed.

2. Heard the learned counsel on either side.

3. The second respondent Deivakani is the defacto complainant. Her case is that she entered into an agreement with Al-Murugesan for purchasing the mini bus bearing registration No.TN67 S 1794 for a sum of Rs.9,50,000/-. She had already paid some advance amount of Rs.6,10,000/- on 04.06.2013. Even though Murugesan received the balance amount of Rs.3,40,000/- he did not transfer the bus in her favour. Hence, she lodged a complaint before the District Crime Branch, Ramanathapuram, leading to



registration of Crime No.30 of 2014. Investigation was taken up and final report came to be filed against the said Murugesan and the petitioner herein for the offence under Section 420 of IPC. Cognizance of the offence was taken and the case was taken up for trial in C.C.No.175 of 2014.

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4. On carefully going through the statements recorded under Sections 161 of Cr.P.C., one can very easily come to the conclusion that the transaction was one between the defacto complainant and Al-Murugesan. The document dated 04.06.2013 is an agreement between Murugesan (Al) and the defacto complainant. In the said agreement itself that is enclosed along with the final report, it has been mentioned that Murugesan had already paid a sum of Rs.4,10,101/- to Ramesh Babu and was operating the bus in question on the route (Mangaleswari Nagar to Keelakarai Kalangium Shop). It is further stated in the said agreement that since he was unable to operate the route any further, he intended to transfer the same and Ramesh Babu had given his consent. But in the said agreement to which, the defacto complainant and Murugesan are parties, Ramesh Babu has not affixed his signature. Except that the bus permit and the bus in question stood in the name of Ramesh Babu and that it was actually operated by Al-Murugesan, there is absolutely no other incriminating material against the petitioner herein. It is only Al who has to face the trial. The continuation of the impugned prosecution against the petitioner would only amount to abuse of legal process. Hence, in order to secure the ends of justice, the impugned proceedings are quashed as regards the petitioner herein. Since the case is of the year 2014, the learned trial Magistrate is directed to conclude the trial on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

5. With this direction, this criminal original petition stands allowed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate No.2,
Ramanathapuram.

2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.



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

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate SR-89099.

+1 CC to M/s.K.KUMARAVEL, Advocate SR-90309.

Crl.O.P(MD)No.2588 of 2015

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