



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.415 of 2015 and
M.P. (MD) Nos.1 & 2 of 2015

1. N.Subburaj
2. N. Jegadeesan

... Petitioners/
Accused Nos.1 and 2

Vs

1. The state by Inspector of Police,
E3, Annanagar Police Station, Madurai,
Madurai District Cr.No.1411 of 2006.

... 1st Respondent/
Complainant

2. A. Muthusamy

... 2nd Respondent/
Defacto Complainant

PRAYER :

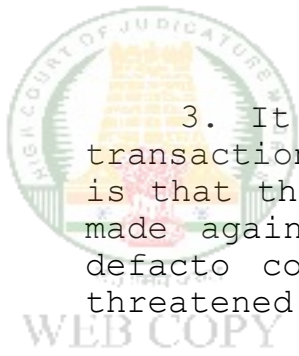
This Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings in C.C.No.224 of 2010 on the file of the learned Judicial Magistrate No.VI, Madurai.

For Petitioners	: M/s.A.Thiruvadi Kumar, Advocate.
For R-1	: Mr.A.Robinson, Government Advocate (Crl.Side).
For R-2	: No appearance.

ORDER : The Court made the following order :-

The petitioners are facing trial in C.C.No.224 of 2010 on the file of the Judicial Magistrate No.VI, Madurai, for the offences under Sections 406, 420 and 506(ii) of I.P.C.

2. Though the defacto complainant was served and his name is also printed in the cause list, there is no appearance on his behalf.



3. It is seen that the defacto complainant had some business transactions with the second petitioner Jegadeesan and his grievance is that the said Jegadeesan did not settle his dues. The allegation made against the the first petitioner Subburaj is that when the defacto complainant demanded his money, Subburaj is said to have threatened him by brandishing a knife.

4. From a overall reading of the complaint, one can come to the conclusion that this allegation of criminal intimidation has been introduced for the purpose of registering the case. Therefore, the impugned proceedings stand quashed as far as the first petitioner N.Subburaj is concerned. The second petitioner of course will have to face trial.

5. This Criminal Original petition stands partly allowed. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.VI,
Madurai.
2. The Inspector of Police,
E3, Annanagar Police Station, Madurai,
Madurai District Cr.No.1411 of 2006.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO Mr.A.Thiruvadi Kumar, ADVOCATE IN SR No.88268.

**ORDER
IN**

**CRL OP(MD) No.415 of 2015 and M.P. (MD) Nos.1
& 2 of 2015**

Date : 19/09/2019

CS(03.10.2019) 2P 5C