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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.10.2019
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.5928 of 2015 and
M.P(MD)Nos.1 & 2 of 2015

Murugesan

... Petitioner/Accused No.1

Vs.

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

2. RGM.Deivakani

... Respondents/Complainants

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.175 of 2014 on the file of the Judicial Magistrate No.II, Ramanathapuram.

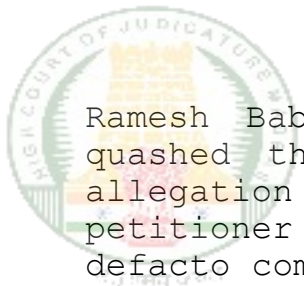
For Petitioner : Mr.G.Prabhu Rajadurai
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side)

O R D E R

The petitioner is facing trial in C.C.No.175 of 2014 on the file of the Judicial Magistrate No.II, Ramanathapuram.

2. Heard the learned counsel on either side.

3. The second respondent is the defacto complainant. Her allegation is that one Ramesh Babu was the permit holder and was operating the mini bus bearing Registration No.TN 67-S-1794 from Mangaleswari Nagar-Keelakarai Kalangium Shop. The said Ramesh Babu had handed over the vehicle to the petitioner herein, namely, Murugesan and allowed him to operate. According to the defacto complainant, the said Murugesan had taken a sum of Rs.6,10,000/- from her and agreed to transfer the vehicle as well as the permit. Though she was ready to pay a sum of Rs.3,40,000, the accused have not come forward to transfer the vehicle and the route permit in her vehicle. Hence, she lodged the complaint before the District Crime Branch, Ramanathapuram, leading to registration of Crime No.30 of 2014 for the offence under Section 420 of I.P.C. Investigation was conducted and final report was filed before the Judicial Magistrate No.II, Ramanathapuram. Cognizance of the offence was taken and the case was taken on file in C.C.No.175 of 2014. The second accused



Ramesh Babu had earlier filed a quash petition and this Court quashed the petition as far as he was concerned. There is no allegation against accused No.2 Ramesh. But then, against the petitioner herein, specific allegations have been made by the defacto complainant Deivakani.

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4. The petitioner's counsel reiterated all the contentions set out in the memorandum of grounds. But then, they are factual in nature and the petitioner will have to necessarily establish his defence only in trial before the Court below. No case has been made out for invoking the inherent powers of this Court.

5. The Criminal Original petition stands dismissed. It is made clear that this Court has not gone into the merits of the matter. All the contentions and the defences of the petitioner are left open. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

1. The Judicial Magistrate No.II,
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 Mr.G. PRABHU RAJADURAI, Advocate (SR-91022[F] dated 03/10/2019)

Crl.O.P.(MD)No.5928 of 2015
01.10.2019

MK (13.12.2019) 2P 5C