



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.12.2019
CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P. (MD)No.5938 of 2017

and

Crl.M.P (MD)Nos.4022 and 4023 of 2017

Shanmugasundaram ... Petitioner/sole Accused
Vs.

1.State represented through,
the Sub Inspector of Police,
Karur Town Police Station,
Karur.
[Crime No.1243 of 2016] ... 1st Respondent/complainant

2.Raja ... 2nd Respondent/Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pending on the file of the learned Judicial Magistrate No.I, Karur in C.C.No.27 of 2017 and quash the same.

For Petitioner : Mr.P.Muthusamy
For Respondent : Mr.R.Anandharaj, APP
No.1
For Respondent : Mr.E.K.Kumaresan
No.2

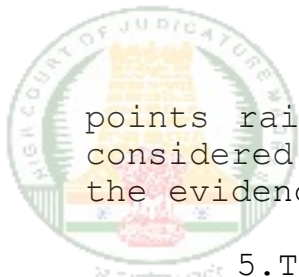
ORDER

This petition is filed by the sole accused in C.C.No.27 of 2017 on the file of the Judicial Magistrate, Karur No.I, to quash the proceedings in C.C.No.27 of 2017.

2.The first respondent filed a final report as against the petitioner for the offence punishable under Sections 341, 294(b), 323 and 506(i) IPC.

3.The learned Counsel for the petitioner has raised very many points in support of this petition that it is the complainant, who has foisted a false complaint against the petitioner and all the witnesses shown by the respondent Police are all workers of the second respondent / defacto complainant.

4.The grounds raised by the petitioner before this Court can be appreciated only during the trial before the trial Court and the



points raised by the learned Counsel for the petitioner cannot be considered for quashing the final report, which was filed based on the evidence collected by the investigating agency.

5.This petition is, therefore, dismissed with a liberty to the petitioner to raise all these grounds raised before the trial Court and consequently, connected miscellaneous petitions are closed.

6.At this point of time, the learned Counsel for the petitioner seeks indulgence of this Court to dispense with the personal appearance that the petitioner is a business man and because of this false complaint, his entire business transaction would get affected.

7.In view of the above submission, whenever, the petitioner is having genuine reason for not appearing before the trial Court, he can very well file a petition under Section 317 CrPC and the same shall be considered depending upon the merits of the petition filed by the petitioner.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Dsk

To

1.The Judicial Magistrate No.I,
Karur.

2.The Sub Inspector of Police,
Karur Town Police Station,Karur.

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

+1 CC to Mr.P.MUTHUSAMY, Advocate (SR-105797[F] dated 19/12/2019)

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MK (21.01.2020) 2P 5C