

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.29285 of 2013 and
M.P.No.1 of 2013

G.Narayana Moorthy

.. Petitioner/2nd Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
S-6 Sankar Nagar Police Station,
Chennai - 600 072.

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the charge sheet in C.C.No.482 of 2010 on the file of the learned Judicial Magistrate, Tambaram and quash the same insofar as the charge laid against the petitioner/2nd accused is concerned.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.R.Ravichandran
Govt. Advocate (CrI.Side)

ORDER

The respondent police registered a case against the petitioner and two others in Crime No.816 of 2007 for the offence under Section 463, 467, 468, 471 r/w 34 of IPC, in which this petitioner has been shown as A2. After investigation, the respondent police laid a charge sheet before the learned Judicial Magistrate, Tambaram and the learned Magistrate took cognizance on the same in C.C.No.482 of 2010. The petitioner, after receipt of summons, approached this Court seeking to quash the above calendar case against him invoking Section 482 of Cr.P.C.

2 Learned counsel appearing for the petitioner would submit that this petitioner has been appointed as Postal Assistant only on compassionate ground. A1 was the Sub Post Master during the relevant period and he only with an intention to swindle the money deposited by the defacto complainant, had played fraud by fabricating the documents and

also by obtaining signatures and vouchers from this petitioner and thus the first accused roped this petitioner in the offence committed by him. There is no overt act as against this petitioner and there is no materials to implicate the petitioner in the crime. The respondent police without any substance or materials falsely registered the case against this petitioner. Therefore, the present case against this petitioner is liable to be quashed.

3 Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that this petitioner, while working as Postal Assistant conspiring with the first accused has misappropriated the money in the SB account of one Ramanathan. Investigation conducted by the respondent police reveal that prima facie case made out against this petitioner and there is no ground to quash the case against the petitioner.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 The petitioner has been shown as A2 in the present case. The charge sheet filed by the respondent police and the materials placed by the prosecution under Section 173 of Cr.P.C. reveal that prima facie there are allegations against this petitioner. Hence, this Court is not inclined to invoke power under Section 482 of Cr.P.C and quash the case.

6 Accordingly, this criminal original petition is dismissed. However, since the case in C.C.No.482 of 2010 is pending from 2010, the trial Court is directed to dispose of the same in accordance with law within a period of four months from the date of receipt of a copy of this order and file a compliance report before this Court.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cgi

To

1. The Judicial Magistrate, Tambaram.
2. The Inspector of Police,
S-6 Sankar Nagar Police Station,
Chennai - 600 072.
3. The Public Prosecutor, High Court of Madras.

+1cc to Mr.C.K.M.Appaji, Advocate SR.6936

Cr1.O.P.No.29285 of 2013 and
M.P.No.1 of 2013

RSI (CO)
CB(18/02/2020)



WEB COPY