

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.12.2020

PRONOUNCED ON :23.12.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.9935 of 2014
and M.P.No.1 of 2014
M.P.No.2 of 2014

1.Ananda Priya

2.P.Thyagarajan

..Petitioners/Accused

Vs.

1.State represented by
The Inspector of Police,
District Crime Branch,
Cuddalore District,
Cuddalore.
(Crime No.13 of 2013)

..Respondent/Complainant

2.Isaiamudhu

..Respondent/de facto

Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in C.C.No.22 of 2014 on the file of the
Judicial Magistrate Court, Chidambaram, Cuddalore Districtin
Cr.No.13 of 2013 and quash the same.

For Petitioners: Mrs.Deepika

For R1 : Mrs.P.Kritika Kamal
Government Advocate
(Crl.Side)

For R2 : Mrs.M.K.Thanganila for R2

ORDER

This criminal original petition has been filed seeking to
call for the records in C.C.No.22 of 2014 on the file of the
Judicial Magistrate Court, Chidambaram, Cuddalore District and
quash the same.

2. On the complaint lodged by Isaiamudhu (de facto complainant), the police registered a case in Crime No.13 of 2013 and after completing the investigation, filed a final report in C.C.No.22 of 2014 in the Court of Judicial Magistrate, Chidambaram, Cuddalore District, against Thyagarajan (A1) and Ananda Priya (A2), for the offences under Sections 420 and 506 (I) IPC, for quashing which, the accused have preferred the present petition under Section 482 Cr.P.C..

3. Heard Mrs.Deepika, learned counsel for the petitioners/accused, Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the respondent/State and Mr.D.Nagarajan, learned counsel for Isaiamudhu (de facto complainant), second respondent herein.

4. It is the case of Isaiamudhu (de facto complainant) that she was brought up by her elder sister Ananda Priya (A2), as their mother had died when they were young. However, Ananda Priya (A2) and Thyagarajan (A1) had misappropriated her properties by exploiting her innocence, ignorance and implicit trust, she had on them. The amounts allegedly misappropriated runs to Rs.15,88,000/-.

5. On a careful reading of the statements of witnesses, there are prima facie materials to show that the accused had cheated Isaiamudhu (de facto complainant) over a period of time.

6. In such view of the matter, this is not a fit case to be quashed as there are disputed questions of fact, which have to be gone into only during trial.

In the result, this criminal original petition is dismissed. Connected M.P. is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VI)

// True Copy//

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Sub Assistant Registrar

nsd

To

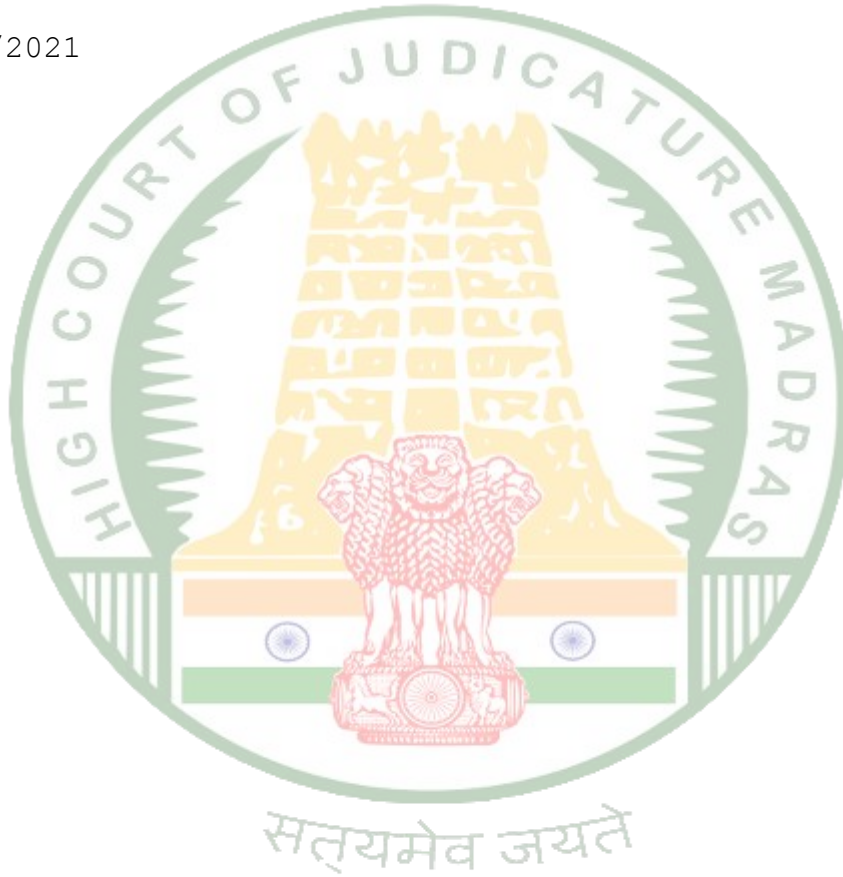
1.The Judicial Magistrate No.I,
Chidambaram.

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

3.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Crl.O.P.No.9935 of 2014

PM(CO)
KKV/29/01/2021



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