



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11250 of 2020

and

Crl.M.P. (MD)Nos.5136 and 5137 of 2020

WEB COPY

Uthayasuriyan

... Petitioner

Vs

1.The State rep. by
The Inspector of Police,
District Crime Branch,
Madurai.
(Crime No.59 of 2011)

2.N.Veerapathiran

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in C.C.No.119 of 2014 on the file of the learned Judicial Magistrate No.I, Madurai in respect of the petitioner/Accused No.1 and quash the same.

For Petitioner : Mr.A.Gandiappan

For Respondents : Ms.S.E.Veronica Vincent,
Government Advocate for R1

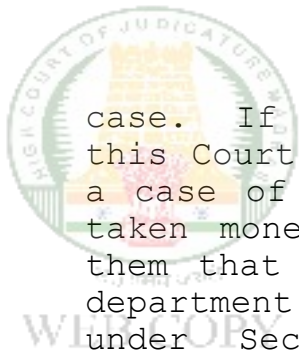
O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

2.This criminal original petition has been filed for quashing the proceedings in C.C.No.119 of 2019 on the file of the learned Judicial Magistrate No.I, Madurai. The petitioner is facing trial in the said case as A1 for the offences under Sections 120(b), 406 and 420 of I.P.C.

3.The learned counsel appearing for the petitioner reiterated all the contention set out in the memorandum of grounds.

4.I am unable to agree with any of the submission of the petitioner's counsel. As rightly pointed by the learned Government Advocate appearing for the first respondent, the petitioner has to necessarily establish his innocence only before the Court below in a regular trial. The contentions urged by the petitioner's counsel do not fall within any of the parameters set out in **Ch.Bhajan Lal's**



case. If the petitioner's counsel contentions are to be gone into, this Court will have to undertake a factual investigation. This is a case of alleged job racketing. The petitioner is said to have taken money from the defacto complainant and others by promising them that he would secure for their rewards employment in police department as police constables. While exercising my jurisdiction under Section 482 of Cr.P.C., I cannot undertake such an investigation. I have to necessarily dismiss the petition. The criminal original petition is accordingly dismissed. The defences of the petitioner are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

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/ /2020

Sub Assistant Registrar(CS)

ias

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judicial Magistrate No.I, Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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