



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.OP(MD)No.8847 of 2017

and

Crl.MP(MD)No.5982 of 2017

Mohan Iyar

: Petitioners/A5

Vs.

T.Saraswathi

: Respondent/Complainant

Prayer: Criminal Original Petition filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the case in C.C No.232 of 2014 on the file of the Judicial Magistrate No.II, Nagercoil and quash the same and pass such further or other orders.

For Petitioner

: Mr.S.Ramasamy

For Respondent

: Mr.S.Xavier Rajini

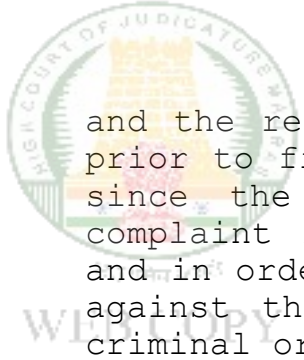
O R D E R

(Thro' VC)

This Criminal Original Petition is filed seeking for a direction to quash the charge sheet in CC No.232 of 2014 on the file of the Judicial Magistrate No.II, Nagercoil.

2.The respondent has filed a private complaint against the petitioner and others stating that her husband is in Abroad and she used to went to a Church at Kulasekaram and there, she got friendship with A3 and subsequently, with the advise of A3, her daughter joined Nursing Course at Karivalamvanthanallur, Tirunelveli, in the year 2012 and thereafter, her husband came to India and visited the college where his daughter studying and thereafter, the petitioner got acquaintance with A1 and A2 and A2 demanded money to join B.E Course and after getting money, the accused persons threatened and cheated the de-facto complainant and also trespassed into her house and used filthy language and pulled her Sudithar Cloth. Based on the complaint, the learned Judicial Magistrate No.II, Nagercoil, took cognizance of the case in CC No.232 of 2014 and sent summon to the petitioner/A5 for the offence under section 120(B), 294(b), 425, 445, 470, 506(ii) IPC. Aggrieved over the same, the petitioner/A5 is before this court with this criminal original petition for the relief stated above.

3.The learned counsel appearing for the petitioner/a5 submitted that there is an allegation against the petitioner with regard to criminal conspiracy cheating and fabrication of documents



and the respondent did not obtain any sanction from the Government prior to filing of the private complaint as against the petitioner, since the petitioner is a Government Servant and the private complaint filed against the petitioner is not maintainable in law and in order to harass the petitioner, the case has been foisted as against the petitioner. In view of the above circumstances, this criminal original petition has to be allowed.

4. On the other hand, the learned counsel appearing for the respondent submitted that already, this court, by order, dated 26.09.2019, in CrI.OP(MD) No.9901 of 2017 directed the trial court namely the Judicial Magistrate No.II, Nagercoil, Kanyakumari District to complete the proceedings in CC No.232 of 2014 within a period of three months and hence, the same direction may be given to dispose of the case.

5. Taking into consideration the facts and circumstances of the case and the submissions made on either side, this Criminal Original Petition is disposed of with a direction to the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, to complete the proceedings in CC No.232 of 2014 and pass orders, purely on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

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To,

The Judicial Magistrate No.II,
Nagercoil, Kanyakumari District.

Copy to

The Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai.

CrI.OP(MD)No.8847 of 2017
03.12.2020