



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CrI.O.P.No.26164 of 2016
and CrI MP No.12999 of 2016

V.Sampath Kumar

...Petitioner/Accused No.5

Vs.

1. State Represented by Sub Inspector of Police,
Central Crime Branch,
Vepery, Chennai 600 007. ...Respondent/Complainant

2. M.Shanthi ..Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the case in C.C.No.5079 of 2015 on the file of XI Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : V.Murugesan

For Respondents : Mr.S.Vinodhkumar
Counsel for Government
(CrI. Side) for R1.
Mr.G.Krishnaraju for R2

ORDER

This Criminal Original petition has been filed seeking to quash the proceedings in C.C.No.5079 of 2015 on the file of XI Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the prosecution is that the defacto complainant preferred a complaint against the petitioner and other three accused persons for the alleged offences under Sections 406 and 420 of IPC. It is alleged in the complaint that they insisted the defacto complainant to hand over the property document to obtain loan in her name from the Bank after furnishing as a collateral security. The accused persons said to have taken the defacto complainant to the Syndicate bank, Adyar Branch and met the Bank Manager Mr.Rajan, for



obtaining loan. After obtaining the loan, a sum of Rs.3,83,000/- alone was handed over by the accused persons. When she demanded to pay Rs.36,00,000/- by the bank officials, the Defacto complainant approached the Commissioner, Chennai city, Egmore and gave a complaint. The said complaint was forwarded to the 1st respondent herein. An FIR came to be registered in Crime No.191 of 2010. The respondent police after conducting investigation, added accused No.4 and 5 in this case, and filed a charge sheet before the XI Metropolitan Magistrate Court, Saidapet. The said charge sheet was taken on file in C.C.No.5079 of 2015. Challenging the said proceedings, the petitioner herein/Accused No.5 filed this Criminal Original Petition seeking to quash the same.

2. The learned counsel for the petitioner submitted that he has been arrayed as 5th accused in this case, based on the confession given by Accused 1 to 3 and nowhere connected with the alleged transaction. Initially when the FIR was registered, he was not made as an accused. The learned counsel further submitted that the respondent police in order to harass the petitioner, had included his name as an accused in the charge sheet.

3. Mr.S.Vinodh kumar, learned Counsel for Government (Crl. Side) for 1st respondent on instructions submitted that trial has already been commenced. There are totally 12 witnesses out of which seven witnesses have already been examined and five more witnesses are yet to be examined.

4. Heard the learned counsel appearing on behalf of the 2nd respondent.

5. Taking into consideration the facts and circumstances of this case, this Court is not inclined to interfere with the trial at this stage and accordingly, this Criminal Original petition is dismissed with a direction to the Court below to expedite the trial and complete the proceedings in C.C.No.5079 of 2015 on the file of XI Metropolitan Magistrate, Saidapet, Chennai, within a period of six months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The learned XI Metropolitan Magistrate,
Saidapet, Chennai.

2. Do-Thro Chief Metropolitan Magistrate,
Egmore, Chennai.

3. State Represented by Sub Inspector of Police,
Central Crime Branch,
Vepery, Chennai 600 007.

4. The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.26164 of 2016
and Crl MP No.12999 of 2016

KV(CO)
CB(13/08/2021)