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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.14184 of 2021

and

Cr1.M.P.Nos7739 & 7740 of 2021

Vijay Dhandapani

...Petitioner

Vs.

1. State by

The Inspector of Police,
Central Crime Branch Team-IV,
EDF-II, Vepery, Chennai-7.
Crime No.12/2017.

2. Nora Mary

...Respondents

PRAYER: The Criminal Original Petition has been filed under Section 482 Cr.P.C. to call the entire records pertaining to the C.C.No.5001 of 2018 on the file of the Special Metropolitan Magistrate CCB- CBCID Cases, Egmore and quash the same.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.A.Damodaran
No.1 Government Advocate (Cr1.side)

ORDER

The petitioner, who is the first accused and who is facing trial in C.C.No.5001 of 2018 for offences under Sections 406, 420, 120(b) & 506(i) IPC, has filed this quash petition.

2.The contention of the learned counsel for the petitioner is that the entire family members of the petitioner have been arrayed as accused. In this case, A2 is his Employee, A3 is his wife, A4 is his sister and A6 is his relative. He further submits that the admitted case of the defacto complainant is that the alleged occurrence has taken place in the year 2012 and the case came to be registered in the year 2017. Further, he submits that for the dispute, collateral cheques have been given, which got dishonored. Hence, the complaint has been filed. According to the petitioner, the limitation period is only for three years and the complaint has been lodged after the period of limitation.



The lower Court had not considered the same and taken the case on file. He further submitted that **the petitioner is undergoing treatment for his health ailments.(*)**

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3.The learned Government Advocate (Cr1.side) submits that in this case, there are totally 5 accused. On receipt of the complaint, investigation has commenced. Thereafter, on completion of the investigation, charge sheet came to be filed on 08.12.2017 listing LW1 to LW16 and documents. The lower Court, on perusal of the final report finding that prima facie offence is made out, had issued summon to the petitioner. The petitioner immediately rushed to this Court.

4.The counsel for the petitioner at this stage submits that without going into the merits, he seeks only dispensation of the personal appearance of the petitioner considering his health condition.

5.Considering the submission of the learned counsel for the petitioner, this Court directs the petitioner to produce the medical records before the trial Court and thereafter, the trial Court is directed to consider the dispensation of the appearance of the petitioner sympathetically. Accordingly, the criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)
Dated : 16.09.2021

**(*)Corrected as per order
dated 09.12.2021
made in Cr1.OP.14184 of 2021**

Sd/-
Assistant Registrar(CCC)
Dated : 09.12.2021

//True Copy//

Sub Assistant Registrar

SMS



To

1. The Inspector of Police,
Central Crime Branch Team-IV,
EDF-II, Vepery, Chennai-7.
Crime No.12/2017.

To be substituted to
the order already
despatched on 21.10.2021

2. The Special Metropolitan Magistrate,
CCB- CBCID Cases, Egmore.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.***65143**

CrI.O.P.No.14184 of 2021 and
CrI.M.P.Nos7739 & 7740 of 2021

PCH(CO)
B.VC(17/09/2021)
NSK 09/12/2021