



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18489 of 2021

and

Crl.M.P.No.10139 of 2021

1.R.Kirubakaran

2.Silaja

3.Durairaj

4.Divakaran

5.A.R.Prabhakaran

...Petitioners/Accused 1-5

Vs

1.State rep.by The Sub-Inspector of Police,
Arcot Police Station,
Cr.No.27/2015

2.G.Baskaran

.... Respondents/Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to call for records pertaining to the above case pending before this Hon'ble District Munsif cum Judicial Magistrate Court, Arcot, in C.C.No.85 of 2020 and quash the same.

For Petitioners: Mr.A.G.Rajan

For Respondents:Mr.R.Vinothraja

Government Advocate (Crl.side)

ORDER

The petitioners, who are the accused in C.C.No.85 of 2020, facing trial for offences under Sections 294(b), 420 & 506(1) IPC, have filed this quash petition.

2.The contention of the learned counsel for the petitioners is that admittedly the complaint has been lodged 2 ½ years ago after the occurrence and no witness has specifically spoken against the petitioners. There is no overt act connecting the



petitioners to the offences. Further, except for the false general statement, nothing is found against the petitioners.

3. On the contrary, the learned Government Advocate (CrI side) submits that on the complaint of the defacto complainant, a case has been registered, investigated and final report filed. During investigation, LW1 to LW10 examined and their statement recorded. LW1 to LW5, have categorically stated about the role played by the each of the accused. Further, the accused have cheated the amount of Rs.3.5 lakhs of the defacto complainant. Further, he submits that on the presence of the independent witness, observation mahazar, rough sketch had been drawn. Thereafter, on completion of the investigation, charge sheet filed. The lower Court, on perusal of the materials, finding that prima facie materials are available and the case was taken on file for offences under Sections 294 (b), 420 and 506(1) IPC.

4. Considering the submissions and also finding that the points raised by the petitioners are factual in nature, which have to be decided only during the trial and not in a quash petition. In view of the same, this court is not inclined to entertain the petition. Hence, this petition is dismissed. The trial Court to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

sms

To

1. The District Munsif Cum
Judicial Magistrate Court,
Arcot.

2. The Sub-Inspector of Police,
Arcot Police Station,
Cr.No.27/2015.



3 The Public Prosecutor,
High Court, Madras.

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