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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL. O.P. NO.8447 OF 2017

&

CRL.M.P.NO.6044 OF 2017

1. Vendamirtham
W/o.Vedhachalam

2. Vedhachalam
S/o.Munuswamy

...Petitioners / Accused

Versus

Sandhya

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.285 of 2016 on the file of the learned Judicial Magistrate I, Chengalpattu.

For Petitioners ... Mr.P.Dinesh Kumar

For Respondent ... Ms.Vasuki Ramanan
for Mr.M.Kempraj

O R D E R

This petition has been filed to quash the proceedings in C.C.No.285 of 2016 pending against the petitioner for the offence under Section 420 IPC on the file of learned Judicial Magistrate I, Chengalpattu.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing on behalf of the respondent.



3. The learned counsel for the petitioners submitted that it is only a civil transaction and no offence has been committed by the petitioners which would attract criminal prosecution.

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4. Per contra, the learned counsel for the respondent submitted that PW1 and PW2 have already been examined before the trial Court and hence, he opposed for quashing of the charge sheet.

5. This Court is of the view that when two witnesses have already been examined before the trial Court, without appreciating those evidence, the proceedings initiated against the petitioners cannot be quashed. However, it is well open to the petitioners to take all legal defence before the trial Court.

With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gpa

To

The Judicial Magistrate I,
Chengalpattu.

+1cc to M/s.P.Dinesh Kumar, Advocate, S.R.No.65188

+1cc to M/s.M.Kempraj, Advocate, S.R.No.65627

CrI. O.P. No.8447 of 2017

&

CrI.M.P.No.6044 of 2017

PL(CO)

RLP(30/12/2021)