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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATISH KUMAR

CrI.O.P.No. 6901 of 2017

and

CrI.M.P.Nos.5034 & 5035 of 2017

1.Vijayalakshmi

2. Jayakumar

... Petitioners/ Accused

Versus

1. The State Represented by

Inspector of Police,

City Crime Branch,

Coimbatore City.

... Respondent/Complainant

2.K.Ramachandran

... Respondent/De-facto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C to quash the further proceedings in C.C.No.252 of 2016 on the file of the Judicial Magistrate No.111, Coimbatore in Crime No.49 of 2008 on the file of the Inspector of Police, City Crime Branch, Coimbatore City.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.S.Vinoth Kumar.

Government Advocate (CrI.Side) for R1

ORDER

This petition has been filed to quash the proceedings in C.C.No.252 of 2016 pending on the file of the Judicial Magistrate Court No.III, Coimbatore for the offences under Sections 120-B, 465, 468, 471, 475, 471 r/w Sections 120-B and 420 r/w 120-B IPC.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.side) appearing on behalf of the first respondent.



3. The crux of the allegations against the petitioners is that the petitioners along with others have created a false document in the name of fictitious company and thereby induced the bank to extend the credit facilities to the tune of Rs.95,00,000/- (Rupees Ninety Five Lakhs only).

4. The main contention of the learned counsel appearing for the petitioners is that there was a delay in filing the FIR, but no explanation whatsoever has been given for such delay and charge sheet has also been filed belatedly.

5. This Court is of the view that such contention has no legs to stand while exercising jurisdiction under Section 482 of Cr.P.C. when the final report has been filed after collecting various materials and prima facie case is available against the petitioner. The evidentiary value cannot be gone into at this stage. When there are sufficient materials available against the petitioner, this Court is not willing to exercise jurisdiction under Section 482 of Cr.P.C and the instant Criminal Original Petition is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed. However, the personal appearance of the petitioners is dispensed with except for receiving the copies, answering the charges u/s.313 Cr.P.C questioning and any other hearing that may be fixed by the trial Court. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

gba/gpa

To

1.The Judicial Magistrate No.III,
Coimbatore.

2. The Inspector of Police,
City Crime Branch,
Coimbatore City.



3.The Public Prosecutor,
High Court, Madras.

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GPL (CO)
CB (02/12/2021)