



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 21699 of 2017
and
Crl.M.P.No. 12732 of 2017

Sukumar

...Petitioner

Versus

1. State by,
The Inspector of Police,
Thiruppur South Police Station,
Thiruppur District.

2. Siva Kumar

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call records and quash the complaint in C.C.No.389 of 2016 on the file of the learned Judicial Magistrate No.2, Thiruppur.

For petitioner : Mr.S.Silambu Selvan

For respondents : Mr.R.Kishore Kumar
Government Advocate (crl.side)
for R.1

Mr.K.Sudhakar for R2

O R D E R

This Criminal Original Petition has been filed to quash the complaint in C.C.No.389 of 2016, pending on the file of the learned Judicial Magistrate No.2, Thiruppur.

2. Heard the learned counsel appearing for the petitioner, Mr.R.Kishore Kumar, learned Government Advocate (crl.side) appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

3. The very charge against the accused is that the accused has committed misappropriation of money, out of the sale of the mobile phones. That apart, he has also created false documents and falsification of accounts. Prosecution has collected various



materials and recorded the statements of 14 witnesses.

4. The contention of the learned counsel appearing for the petitioner is that F.I.R has been filed with a delay of one month. Therefore, the entire prosecution cannot be believed.

5. Such contention has no locus to stand at this stage. Whether the explanation is required or not is to be seen in the trial Court. Materials collected by the prosecution shows that there are prima facie materials to proceed against the accused.

5. In such a view of the matter, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

shk/mvs.

To

1. The learned Judicial Magistrate No.2,
Thiruppur.
2. The Chief Judicial Magistrate, Tiruppur.
3. The Inspector of Police,
Thiruppur South Police Station,
Thiruppur District
4. The Public Prosecutor,
High Court, Madras.

Cr1. O.P. No.21699 of 2017

SSV(CO)
RGA(03/12/2021)