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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17/11/2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 12497 of 2017
and
Crl.M.P.Nos.8148 and 8149 of 2017

S. Sivasundari ... Petitioner

Vs

1. The State
rep. By the Inspector of Police
Central Crime Branch
Vepery
Chennai 7.

2. D. Jawahar ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.7427 of 2016 pending on the file of the learned Metropolitan Magistrate CCB cases and CB CID Metro cases, Allikulam, Chennai and quash the same.

For Petitioner ... Mr.R.Vivekananthan

For respondents ... Mr.S.Vinoth Kumar
Government Advocate
for R.1.

No appearance for R.2

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O R D E R

This Criminal Original Petition has been filed to quash C.C.No.7427 of 2016, pending on the file of the learned Metropolitan Magistrate CCB cases and CB CID Metro cases, Allikulam, Chennai.



2. The case of the prosecution is that the accused promised the defacto complainant for importing 4200 metric tons of iron and steel plates from Singapore and received the amounts to the tune of Rs.1,22,75,500/-. However, having received the amount, they have not imported the iron plates, thereby an offence punishable under Sections 406, 420 and 120 (b) of the Indian Penal Code.

3. Heard Mr.R.Vivekananthan, learned counsel for the petitioner and Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side) for the first respondent. There is no appearance on behalf of the second respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is not connected to the case of the prosecution and no material is available against the petitioner with the alleged crime in C.C.No.7427 of 2016..

5. Perused the materials available on record, particularly the statement of the defacto complainant, wherein it is clearly stated that only on the promise made by the parties, including the petitioner, he was made to believe that the iron plates would be imported and he borrowed the amount from the defacto complainant. When there are allegations available, evidentiary value cannot be gone into at this stage. Hence reserving all the right to raise the defence before the trial Court, this Criminal Original Petition is dismissed. Personal appearance of the petitioner is dispensed with, except for answering the charges, receiving copies, 313 questioning or some other date specifically fixed by the trial Court. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

mvs.

To

1. The Metropolitan Magistrate CCB cases and
CB CID Metro cases, Allikulam, Chennai



2. The Inspector of Police
Central Crime Branch
Vepery
Chennai 7.

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3. The Public Prosecutor,
High Court, Madras.

CrI. O.P. No. 12497 of 2017
and
CrI.M.P.Nos.8148 and 8149 of 2017

PL(CO)
CB(01/12/2021)