

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.23508 of 2017
and CRL.M.P.Nos.13649 and 13650 of 2017

- 1.Karthikeyan
- 2.Santhanalakshmi
- 3.Radhakrishnan
- 4.Vasanthi

...Petitioners/Accused 1 to 4

Vs.

1. State of Tamilnadu
Represented by Deputy Superintendent of Police
Tiruvannamalai Town Sub Division
Tiruvannamalai District.

- 2.Shobanarani

...Respondents/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to C.C.No.20/2017 on the file of the Learned Judicial Magistrate No.1, Tiruvannamalai and quash the same.

For Petitioners : Mr.J.Muthukumaran

For Respondents : Mr.R.Kishore Kumar
Govt.Advocate(crl.side) for R1

Mr.M.Mariappan for R2

ORDER

This Criminal Original Petition has been filed to call for the records and quash the proceedings in C.C.No.20/2017 on the file of Learned Judicial Magistrate No.1, Tiruvannamalai for the offences under Sections 420 of I.P.C and 3(1)(r) of SC /ST Act, 1989.

2. The crux of the allegation in the final report is that A1 who was serving as Manager in Karvay Stock broking office with the common intention of cheating the defacto complainant and

assured her that she will get shares worth Rs.25,00,000/- from one Pandurangan for a low price of Rs.19,50,000/- and got three cheques from the complainant. When the same was demanded, A1 along with the other accused were conspired together and abused the defacto complainant in filthy language. Thereby, they committed the aforesaid offence.

3. Learned counsel for the petitioner submitted that the complainant and her family members are in the habit of lodging false case invoking the Special Act and he also submitted that similar case also filed in Crime No.1986 of 2009 and Crime No.598 of 2013 against others. Therefore, this Complaint is also one such complaint, which has to be quashed.

4. In view of the above submission made by the learned counsel for the petitioner, this Court is of the view that quashing present complaint/previous complaints may not be relevant at all. However, those facts can be relevant to prove the conduct of the petitioners before the trial court. This Court by exercising its power under Section 482 of Cr.P.C., cannot conduct a roving enquiry or decide and probe into the evidence at this stage, which have to be gone into only during the trial.

5. Accordingly, this Criminal Original Petition is dismissed with a direction to the Trial Court to appreciate evidence by taking note of the previous conduct of the defacto complainant in filing these type of complaints in other cases and dispose of the main case on merits as expeditiously as possible. Consequently connected miscellaneous petitions are closed.

6. At this juncture, the learned counsel appearing for the petitioners seeks indulgence of this Court to grant an order dispensing with the personal appearance of the petitioners. Accordingly, the personal appearance of the petitioners before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., passing of judgment, or on any other date as may be required by the trial Court.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1. The Judicial Magistrate No.1,
Tiruvannamalai.

2. -do thro - The Chief Judicial Magistrate,
Tiruvannamalai.
3. The Deputy Superintendent of Police
Tiruvannamalai Town Sub Division
Tiruvannamalai District.
4. The Public Prosecutor
High Court, Madras.

+1cc to Mr.J.Muthukumaran , Advocate, S.R.No.68993

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KV(CO)
CT 12/01/2022