



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI. O.P. No.14541 of 2017
and
CRL.M.P.Nos.9225 &9226 of 2017

B.Prakash

...Petitioner

Vs.

1. State rep.by
The Inspector of Police,
District Crime Branch,
Erode District
(Crime No.462/2013)
Perundurai Police Station.

2. S.Ramesh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in C.C.NO.40 of 2017 on the file of the Chief Judicial Magistrate, Erode in so far as the petitioner/Accused No.4 is concerned and quash the same.

For Petitioner : M/s.S.Kaithamalai Kumaran

For Respondents : Mr.R.Kishore Kumar
Government Advocate(Crl.side) for R1
No appearance for R2

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.NO.40 of 2017 on the file of the Chief Judicial Magistrate, Erode as against the petitioner/Accused No.4 for the offences under Sections 120(b), 406, 417, 419, 420, 468, 471, 473 of I.P.C

2.The case of the prosecution is that the petitioner herein conspired together with the other accused and obtained license for running a petrol bunk. They collected huge amounts to the tune of Rs.1 crore from various persons and the present petitioner claiming to be the officer of the Indian Oil Corporation, allegedly joined with the other accused. Thereby, they committed the aforesaid offence.



3. The learned counsel for the petitioner mainly submitted that the petitioner's role alleged is only with regard to the receipt of Rs.3 lakhs, the same has been paid to the defacto complainant during investigation. Therefore, he has to be relieved from the case.

4. This Court has perused the entire materials available on record. Though, several grounds have been raised in this petition, the main contention of the learned counsel for the petitioner that, since the amount is paid, he has to be relieved for prosecution, has no legal basis. Further considering the nature of the allegation putforth by the prosecution, the Trial has to see its logical end. There is no basis for quashing the final report which has been filed for various offence against the petitioner at this stage.

5. Accordingly, this Criminal Original petition is dismissed with a direction to the Trial Court to expedite and dispose the main case as expeditiously as possible. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

msv/nr
To

1. The Inspector of Police,
District Crime Branch,
Erode District.
2. The Chief Judicial Magistrate,
Erode
3. The Public Prosecutor
High Court, Madras.

+1cc to M/s.S.Kaithamalai Kumaran, Advocate, S.R.No.68385

Crl. O.P. No.14541 of 2017
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KV[co]
NSK 06/01/2022