



WEB COPY

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.15250 of 2017
and
Crl.M.P.Nos.9592 and 9593 of 2017

1. Krishnaveni

2. Venkida Subramaniam

...Petitioners/Accused

Vs

1. The State
rep. By The Inspector of Police
District Crime Branch
Erode District.

..1st Respondent/Complainant

2. S. Ramesh

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure (Cr.P.C) to call for the records pertaining to C.C.No.40 of 2017 on the file of the Chief Judicial Magistrate Court, Erode and to quash the same.

For petitioners ... Mr.I.C.Vasudevan

For respondents ... Mr.S.Vinoth Kumar

Government Advocate (Criminal side)
for R.1

No appearance for R.2

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.40 of 2017, pending on the file of the Chief Judicial Magistrate Court, Erode.



2. The case of the prosecution is that the accused had obtained a sum of Rs.1,00,00,000/- from the second respondent and two others, in order to get license for running petrol pump retail outlet in Indian Oil Corporation. As per the instruction of the first accused, second respondent gave Rs.36,00,000/- to the petitioners in their house. All of a sudden, second respondent had lodged a complaint before the first respondent as if the petitioners had committed the offence of cheating, fraud and misrepresentation etc.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent. There is no representation on behalf of the second respondent. Perused the materials available on record.

4. The learned counsel appearing for the petitioners submitted that there is no specific overt act against the petitioners except the allegation of receiving money from the second respondent and another who gave money to them as per the instructions of the first accused. Therefore, the continuation of prosecution against them are not proper. Hence the same has to be quashed.

5. After hearing the submissions advanced on behalf of the petitioner, this Court is of the view that the validity and evidentiary value can be gone into only at the trial stage and not by way of 482 of the Code of Criminal Procedure. In such a view of the matter, this Criminal Original Petition is dismissed. Petitioners are directed to raise all their objections before the trial Court. Consequently, connected Criminal Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

mvs.
To

1. The Chief Judicial Magistrate Court, Erode



2. The Inspector of Police
District Crime Branch
Erode District.

3. The Public Prosecutor
High Court, Madras 104.

Cr1.O.P.No.15250 of 2017

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