



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 16260 of 2017
and
Crl.M.P.No.10036 of 2017

1.Samiyappan
2.S.Tamilselvi ...Petitioners/Accused 2 & 3

Versus

1.State by
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur, Tiruppur District. ...R1/Complainant
2.M.Veerasamy ...R2/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the entire records concerned in C.C.No.112 of 2017 on the file of the Judicial Magistrate-II, Tiruppur, Tiruppur District and quash the same.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.S.Vinoth Kumar
for PP for R.1.
Mr.S.Ponjeganathan
for R.2.

O R D E R

This Criminal Original Petition has been filed to call for the entire records in C.C.No.112 of 2017 on the file of the Judicial Magistrate-II, Tiruppur, Tiruppur District and quash the same.

2. The brief facts of the case are as follows:-

The first accused, who is none other than the son of the first petitioner and husband of the second petitioner had purchased kada cloth from various Companies under the false promise of payment and collected a sum of Rs.2,00,75,936/- and committed default and deliberately cheated the persons. Hence



the first respondent Police filed a charge sheet against the petitioners and another for the offences punishable under Sections 120 (b) and 420 of the Indian Penal Code.

3. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.S.Vinoth Kumar, for PP for R.1 and Mr.S.Ponjeganathan, learned counsel for R.2.

4. On a perusal of the materials and final report, this Court finds that the allegations made during submissions, cannot be gone at this stage, as the final report is filed. Whether the offence is made out or not could be seen only after the trial. This Court cannot go into the evidenciary value of the statement and the materials collected. Hence, I am not inclined to quash C.C.No.112 of 2017, pending on the file of the learned Judicial Magistrate - II, Tiruppur.

5. Accordingly, this Criminal Original Petition is dismissed. Petitioners personal appearance is dispensed except for furnishing the copies and answering the charges on questioning or any other circumstances, as may be decided by the trial Court. Consequently, the connected Criminal Miscellaneous Petition No.10036 of 2017 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mvs.

To

1.The Judicial Magistrate-II,
Tiruppur, Tiruppur District.

2.The Inspector of Police,
Tiruppur South Police Station,
Tiruppur, Tiruppur District.

Crl. O.P. No. 16260 of 2017
and
Crl.M.P.No.10036 of 2017

SJ (CO)
PR (26/11/2021)