



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.11.2021

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.16800 of 2017 &
CrI.M.P.Nos.10326 & 10327 of 2017

1. Mr.S.Aashish Surana

2. Mr.R.Surender

...Petitioners

Vs

P.Anguraj

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.208 of 2017 pending on the file of the Judicial Magistrate, Sriperumbudur and quash the same.

For petitioners: Mr.C.Vidhusan

For Respondent : Mr.R.Vijaya Raghavan

O R D E R

This petition has been filed to quash the charge sheet in C.C.No.208 of 2017 pending on the file of the Judicial Magistrate, Sriperumbudur against the petitioners for the offences under Sections 294(b), 506(ii), 406 and 420 of I.P.C.

2. The crux of the prosecution case is that the accused supplied defective concrete mix and cheated the defacto complainant and when the same was questioned, he was threatened with abusive words. The Police registered the complaint in crime No.528 of 2018. Thereafter, the same has been closed as a mistake of fact. Thereafter, the complainant filed a complaint before the Magistrate, the learned Magistrate after examining the witnesses and going through the statement of witnesses concluded that there is a prima facie material to proceed against the accused and the private complaint has been taken on



file. At this stage, this Court is not inclined to exercise its power to quash the proceedings under Section 482 of Cr.P.C.

3. At this stage, the learned counsel for the petitioner sought indulgence of this Court to dispense the personal appearance of the petitioner before the trial Court for which it is submitted by the learned counsel for the respondent that Non Bailable Warrant is pending against the petitioner.

4. Accordingly, this Criminal Original Petition is dismissed. The petitioner is directed to surrender before the learned Magistrate within fifteen (15) days from the date of receipt of a copy of this Order and file a petition to recall the Non Bailable Warrant and on such petition being filed, the learned magistrate shall decide the same on merits on the same day. Thereafter, the personal appearance of the petitioner before the trial Court is dispensed with except for receiving copies, answering charges, questioning under section 313 Cr.P.C. or any other date as may be required by the Trial Court. The Trial Court shall proceed the matter expeditiously. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vrc / kbs
To

The Judicial Magistrate,
Sriperumbudur.

+1 cc to Mr.R.Vijaya Raghavan, Advocate Sr.NO. 62956

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PL(CO)
A.SK(10.12.2021)