



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No. 17313 of 2017
and
CrI.M.P.Nos. 10605 of 2017

1. Suryanarayanan
2. Murugan
3. M.Ananthi . . . Petitioners

Versus

The State of Tamilnadu
Rep. by Sub-Inspector of Police,
District Crime Branch,
Kancheepuram District,
Cr.No.2 of 2015. . . . Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records of C.C.No.212 of 2016 pending on the file of the learned District cum Judicial Magistrate, Sriperumbudur and quash the same.

For Petitioners ... Mr.S.N.Subramani
For respondent ... Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.212 of 2016, pending on the file of the learned District cum Judicial Magistrate, Sriperumbudur.

2. Heard the learned counsel appearing for the petitioners as well as Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

3. Pursuant to the complaint made by the defacto complainant, respondent Police had filed a charge sheet against the petitioners, under Sections 420, 506 (i) r/w. 34, 109 of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. Charges reveal that the transaction between the defacto complainant and petitioners are



for want of recovery of money.

4. Having gone through the materials available on record, this Court is of the considered view that the dispute between the petitioners and defacto complainant have to be decided only by way of a full fledged trial and not otherwise under Section 482 of Code of Criminal Procedure. The above view of this Court is fortified by the decision of the Hon'ble Supreme Court in STATE OF HARYANA AND OTHERS Vs. BHAJANLAL AND OTHERS 1992 Supp (1) Supreme Court Cases 335, wherein the Hon'ble Supreme Court has held that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection. When this Court expressed its opinion to dismiss the case, the learned counsel for the petitioners seek permission of this Court to dispense with personal appearance before the Trial Court.

5. Accordingly, this Criminal Original Petition is dismissed. The personal appearance for the petitioners is dispensed with, except for answering the charges, receiving copies, 313 questioning on some other date specifically fixed by the Trial Court. It is for the petitioners to take all their defence before the trial Court. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

shk/mvs.

To

1. The learned District cum Judicial Magistrate,
Sriperumbudur.
2. The Sub-Inspector of Police,
District Crime Branch,
Kancheepuram District,
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.N.Subramani, Advocate, S.R.No.61847

Crl. O.P. No.17313 of 2017

CP(CO)
CT 07/12/2021