



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.19690 of 2017 and
Crl.M.P.Nos.11872, 11873 & 16347 of 2017

Venkatachalam

... Petitioner

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Dharmapuri District.
(Crime No.15/2015)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the complaint in C.C.No.243 of 2016 on the file of the Judicial Magistrate No.II, Dharmapuri and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.V.Sakkarapani

For Respondent : R1 - Mr.R.Kishore Kumar,
Government Advocate (Criminal Side)

O R D E R

This petition has been filed to quash the case in C.C.No.243 of 2016 on the file of the Judicial Magistrate No.II, Dharmapuri for the offences under sections 406, 420 and 506[i] IPC.

2. The allegation against the accused is that the petitioner along with other accused collected amounts from various persons in the pretext of obtaining job in Electricity Department. It is the contention of the petitioner that he has not committed any such offence and the amount collected from the defacto complainant and others have already been paid to them and hence, the prosecution against the petitioner is maintainable.

3. This Court is unable to understand as to how the above contention will help the petitioner. On a perusal of the



materials available before this Court, particularly, the final report and the statements of the witnesses, it is seen that there are specific allegations that the amount has been paid through bank transfer and hence, there are prima facie materials available on record to proceed against the accused. The contention of the petitioner whether he has committed any offence or not has to be seen only at the time of trial. In such view of the matter, this Court is not inclined to exercise its power under section 482 of Criminal Procedure Code to quash this petition.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vrc/kbs

To

1. The Judicial Magistrate No.II,
Dharmapuri.
2. The Inspector of Police,
District Crime Branch,
Dharmapuri District.
3. The Public Prosecutor
Madras High Court
Chennai

CrI.O.P.No.19690 of 2017 and
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PCH(CO)
CT 02/12/2021