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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL.O.P.NO.34583 OF 2019

AND

CRL.M.P.NOS.19178 AND 19180 OF 2019

N.K.Jinnah

... Petitioner/Accused

.Vs.

1. The State Rep. By
The Inspector of Police,
CCB, Egmore,
Chennai - 600 008.

2. K.Paulraj

... Respondents

PRAYER:- Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records culminating of C.C.No.3560 of 2011 on the file of the Metropolitan Magistrate, CCB and CB-CID, Egmore, Chennai and quash the same.

For Petitioner : Mr.S.Sivaraman

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.3560 of 2011 on the file of the Metropolitan Magistrate, CCB and CB-CID, Egmore, Chennai.

2. Learned counsel for the petitioner submitted that the trial has begun and so far, two witnesses were examined. The petitioner is a scrap merchant and he is a sole accused in this case. The de facto complainant filed a criminal complaint on 04.07.2006 alleging that the petitioner had promised to supply scrap worth Rs.16,45,000/- and received an amount of Rs.16,00,000/-, however, he failed to either supply or pay back the alleged advance amount.



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3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the de facto complainant and hence, he prayed this Court to quash the proceedings in C.C.No.3560 of 2011 on the file of the Metropolitan Magistrate, CCB and CB-CID, Egmore, Chennai.

4. Considering the fact that the trial in the case was started and two witness were examined as also the fact that the petitioner, being a scrap agent, said to have cheated a sum of Rs.16,00,000/-, this Court is of the view that the petitioner has to face the proceedings and he has to establish that the allegations levelled against him is unsustainable. In the considered opinion of this Court, it is not a fit case to quash the proceedings at this stage.

5. Accordingly, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate,
CCB & CBCID at Egmore,
Chennai.
2. The Inspector of Police,
CCB, Egmore,
Chennai - 600 008.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sivaraman, Advocate, S.R.No.67305

CRL.O.P.NO.34583 OF 2019

SJ(CO)
PBS/27/12/2021