



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.22783 of 2018

and

Crl.M.P.Nos.12687 & 12688 of 2018

1. Murugan
2. Jayapal
3. Ramadass

.. Petitioners

Vs.

- 1.The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.
Crime No.10 of 2014

2.T.Narayanan

.. Respondents

Prayer : This Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C. No.340 of 2017 pending on the file of the learned Judicial Magistrate-I, Thiruvannamalai, Thiruvannamalai District and quash the charge sheet pending against the petitioners.

For Petitioners : Mr. S.Silambu Selvan

For Respondent : Mr. C.E.Pratap, GA (Crl. Side) R1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No.340 of 2017 pending on the file of the learned Judicial Magistrate-I, Thiruvannamalai, Thiruvannamalai District.

2. The case of the prosecution is that the petitioners are selling vegetable at Thiruvannamalai and the second respondent/defacto complainant is also selling Onion and Potato in Bengaluru. The petitioners used to buy vegetables from the second respondent on credit basis. It is the further case of the second respondent is that he supplied vegetables to the accused from the year 2008 to 2011, for which, the petitioners have to pay a sum of Rs.22,88,922/- (Rupees Twenty Two Lakhs and Eighty



Eight Thousand and Nine Hundred Twenty Two only). When the second respondent asked to pay the outstanding amount, the petitioners joined together and threatened the second respondent with dire consequences. Hence, on 11.07.2014, the second respondent/defacto complainant, who is a merchant in Bengaluru, lodged a complaint before the respondent police. On the basis of the said complaint, the respondent police register a case in Crime No.10 of 2014 for the alleged offences under Section 420, 294(b), 506(ii) of IPC and later filed charge sheet before the learned Judicial Magistrate-I, Thiruvannamalai, which was taken on file in C.C.No.340 of 2017 against the petitioners and the same is pending. Challenging the same, the present petition has been filed for quashment of the proceedings pending before the court below.

3. The learned counsel for the petitioner submitted that the petitioners are no way connected with the alleged offences. The entire occurrence was taken place between the year 2008 to 2011, whereas the complaint has been lodged in the year 2014. The learned counsel further submitted that charge sheet was filed in the year 2017 and there was unexplained further delay of three years. The learned counsel further submitted that the entire dispute is civil in nature and an attempt has been made to give it a criminal colour. Hence, the learned counsel prays to quash the proceedings pending before the trial Court.

4. No counter is filed till date on behalf of the respondent and the case is of the year 2018. Considering the pendency of the matter, this Court heard the learned Government Advocate (Crl. Side) appearing for the respondent submitted that the entire dispute is civil in nature and, therefore, no interference is warranted.

5. This Court paid its careful consideration to the submissions advanced by the learned counsel appearing on behalf of the petitioners and the learned Government Advocate and also perused the materials available on record. There is no representation on behalf of the respondents.

6. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

7. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking



into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

8. In the result, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings C.C. No.340 of 2017 pending on the file of the learned Judicial Magistrate-I, Thiruvannamalai, Thiruvannamalai District, within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate-I,
Thiruvannamalai,
Thiruvannamalai District.

2.The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

+1cc to M/s.S.Silambu Selvan, Advocate Sr No.48954

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RP (CO)
PR (24/11/2021)