



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2021

CORAM :

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.OP.(MD)No.3849 of 2021 &
Crl.MP(MD)Nos.2128 and 2129 of 2021

1. Shanmugam
2. Amsavalli ... Petitioners/Accused No. 1 & 2

vs.

1. State Through its
Inspector of Police,
City Crime Branch,
Trichy District. ... Respondent/Complainant

2. Silvia ... Respondent No.2/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.786 of 2018 on the file of the learned Judicial Magistrate No.II, Trichy and quash the same in respect of the petitioners are concerned.

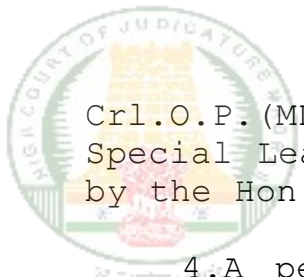
For Petitioners : Mr.T.A.Ebenezer
For R1 : Mr.A.Robinson
Government Advocate (Criminal side)

ORDER

The present petition has been filed seeking to quash the proceedings in C.C.No.786 of 2018 on the file of the learned Judicial Magistrate No.II, Trichy.

2.Mr.T.A.Ebenezer, learned counsel appearing for the petitioners contended that since the dispute between the petitioners and the second respondent is purely civil in nature, the final report in C.C.No.786 of 2018 should be quashed.

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the first respondent, on instructions, would contend that the earlier criminal original petition filed by the petitioners seeking to quash the First Information Report in



Crl.O.P.(MD)No.4613 of 2019 was dismissed on merits and the Special Leave Petition filed by the petitioners was also dismissed by the Hon'ble Apex Court.

4.A perusal of the final report *prima facie* shows that the petitioners have committed the offences punishable under Sections 420, 506(i) and 120(B), 294(b) and 34 of the Indian Penal Code and therefore, the final report cannot be quashed on the grounds raised by the petitioners.

5.In the facts and circumstances, I do not find any reason to quash the final report in C.C.No.786 of 2018 on the file of the learned Judicial Magistrate No.II, Trichy.

6.Accordingly, the present petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.II, Trichy.

2.The Inspector of Police,
City Crime Branch,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.T.A.EBENEZER, Advocate (SR-11218[F] dated
15/03/2021)

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