



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED : 04.08.2021

ORDER PRONOUNCED : 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.8685 of 2021

WEB COPY

1.Uthayasuriyan
2.Suresh Kumar
3.Balamurugan

... petitioners

Vs.

1.The State represented by
The Inspector of Police,
District Crime Branch,
Madurai District, Madurai.
(Crime No.59 of 2011)

2.N.Veerapathiran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.119 of 2014 on the file of the learned Judicial Magistrate No.1, Madurai in respect of the accused/petitioner No.3 and quash the same.

For petitioners	: Mr.A.Gandiappan
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl.Side)
For R2	: Mr.R.Gowri Shankar

ORDER

This petition is filed seeking quashment of C.C.No.119 of 2014 on the file of the learned Judicial Magistrate No.I, Madurai.

2.The case of the prosecution in brief is as follows:-

3.The 2nd respondent herein is the defacto complainant. He filed a complaint before the 1st respondent making allegation to the effect that the petitioners promising to secure a job in the police department received a sum of Rs.37,000/- from the defacto complainant. But later, none was selected for the job. On enquiry, the 1st accused alleged to have introduced the defacto complainant to the other accused persons, namely, Suresh Kumar and Balamurugan, who are the petitioners 2 and 3 herein. When the money was demanded back, the petitioners abused the defacto complainant in filthy language and criminally intimidated him.

4.Based upon the complaint given by the 2nd respondent herein, a case in Crime No.59 of 2011 for the offences punishable under Sections 120(b), 406 and 420 of IPC was registered against this



petitioners. After completing the investigation, final report was filed before the learned Judicial Magistrate No.I, Madurai.

5. Seeking quashment of the aforesaid final report, this petition came to be filed mainly on the ground that there is an inordinate delay in filing the final report. Even though the offence is of the year 2011, even after a lapse of 10 years, the trial proceeding has not been started. The another ground is that as per the allegation made in the FIR, the 1st accused introduced the 2nd respondent to the other accused persons. So, no offence is attracted against him and also the 1st accused did not receive any amount from the defacto complainant and others.

6. Heard both sides.

7. The 1st petitioner is working as Office Assistant in the office of the Superintendent of Police attached to Madurai. The specific allegation that has been made against the petitioners is that they promised to secure a job in the police department and received a sum of Rs.37,000/- from the defacto complainant. The job was not secured. When that was questioned, the 1st accused introduced the defacto complainant to the other accused persons, who are the petitioners 2 and 3 herein. To secure the job, the defacto complainant paid a total sum of Rs.4,35,000/- to the accused persons.

8. According to the learned counsel for the petitioners, as per the allegation made in the FIR as well as the final report, except introducing the defacto complainant to the other accused persons, the 1st petitioner did not involve in any job rocketing and did not receive any amount from the defacto complainant.

9. Except the aforesaid ground, no other valid ground is made out by this petitioners. Whether this petitioners assured the defacto complainant to secure a job in the police department or not is a matter for consideration only during the trial. It is a disputed question of fact. Similarly, whether the petitioners received a sum of Rs.37,000/- as bribe to secure a job is also another issue and that can be decided only during trial. The question as to whether Sections 420 and 406 of IPC are attracted or not is also a matter for trial. When a specific allegation has been made against this petitioners in the complaint, which was also verified during the course of investigation, I find absolutely no merit in this petition.

10. The persons, who have been defrauded and cheated, namely, the witnesses, Veerapathiran, Chinnaswamy, Sureshkumar, Muthupetchi, Thangaraj, Muniswara Pandi, Sakthi @ Saravanan, Murugan, Subbaiah and Subramanian, have been examined during the course of investigation. They stated that they have been defrauded and cheated



introduction made by the 1st petitioner herein. They also stated that the petitioners herein also received a sum of Rs.37,000/- from the 2nd respondent, promising to secure a job. When such specific allegation has been made against this petitioners, without any legal basis, this petition came to be filed only on the ground of delay.

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11.No doubt, the crime is of the year 2011 and the case has been registered only in 2014. Even after a lapse of 7 years, it is seen that the matter is kept pending. So, the only direction that can be issued by this Court in the facts and circumstances of the case is that the learned Judicial Magistrate No.I, Madurai is directed to expedite the trial process in C.C.No.119 of 2014 and complete the same within a period of 5 months from the date of receipt of a copy of this order.

12.With the aforesaid direction, this petition stands dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.I, Madurai.
- 2.The Inspector of Police,
District Crime Branch,
Madurai District, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
+1 CC to M/s.A. GANDIAPPAN, Advocate (SR-32728[F] dated 26/10/2021)

order made in
Crl.O.P. (MD)No.8685 of 2021
22.10.2021

TSK (CO)

GC/SKN(17.11.2021) 3P 6C

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