



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.04.2022

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.No.8592 of 2019

and

Crl.M.P.Nos.4577 & 4579 of 2019

A.Sadiq Basha ... Petitioner/Accused

Vs.

1. State Rep by its
The Inspector of Police,
Team - 3, EDF - II Wing,
CCB, Chennai. ... Respondent/Complainant

2. Sirajuddin ... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records relating in C.C.No.6043/2018 on the file of the Special Court for CCB Cases, Egmore and quash the same.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl. Side) for R1

O R D E R

The learned counsel for the Petitioner submitted that the Petitioner who is the Accused before the learned Special Judge, Central Crime Branch Cases, Egmore had filed this Petition to quash the charge sheet.

2. It is the submission of the learned counsel for the Petitioner that the ingredients of the Private Complaint lodged by the defacto complainant do not makes out a case under Sections 406 and 420 of IPC. The transaction completed in the year 2008 itself and the entire amount was settled on the same year. The above transaction is purely civil in nature. Considering the delay of complaint in civil transaction which is barred by limitation. The defacto complainant had supplied 60



numbers of Plastic Injection Moulding Machines in 9 Consignments vide invoices in the year 2007-2008. The charge sheet is laid, ignoring the Provision of Law of Limitation. Therefore, the charge sheet is vitiated. Therefore, the learned counsel for the Petitioner seeks to quash the charge sheet, which is not maintainable as per law.

3. The learned Government Advocate (Crl. Side) for the Respondent submitted that the submission of the learned counsel for the Petitioner cannot at all be accepted as the charge sheet had already been laid before the Court of Competent Jurisdiction. What had been stated in the quash Petition is to be considered as a valuable defence before the trial Court and not at this stage. This Court exercising its discretion under Section 482 of Cr.P.C to quash the charge sheet is deprecated as per the ruling of the Hon'ble Supreme Court reported in 1992 Supp (1) SCC 335:1992 SCC (cri) 426 in the case of State of Haryana Vs. Bhajanlal. He further submitted that the Petitioner can raise his rights while framing charges before the trial Court during trial by effective cross-examination and not at this stage.

4. The submission made by the learned Government Advocate (Crl. Side), is found acceptable and what are all argued by the learned counsel for the Petitioner is not found acceptable.

In the light of the submission of the learned Government Advocate (Crl. Side), this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Court for CCB Cases,
Egmore, Chennai.
2. The Inspector of Police,
Team - 3, EDF - II Wing,
CCB, Chennai.



3. The Public Prosecutor
High Court of Madras
Chennai 600 104.

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BS (CO)
SU (11/05/2022)