



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.14328 of 2022

and

Crl.M.P.Nos.7858 and 7860 of 2022

S.Madhavan

... Petitioner

Vs.

1. The State rep. By
Inspector of Police
Law & Order, E4, Abiramapuram Police Station
Mylapore, Chennai

2. D.Cyril Selladurai

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of C.C.No.1607 of 2020 pending on the file of the learned Metropolitan Magistrate, XXIII and quash the same.

For Petitioner : Mr.V.Prakash, Senior Counsel for
M/s.Raman and Associates

For Respondent-1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Respondent-2 : Mr.S.Vijayaganesh

ORDER

This Criminal Original Petition has been filed seeking to quash the final report filed for the offences under Sections 294 (b), 342, 506(1) and 384 of IPC in C.C.No.1607 of 2020 pending on the file of the learned Metropolitan Magistrate-XXIII, Saidapet, Chennai.

2. The learned counsel for the petitioner submitted that this case is nothing but a motivated one. The defacto complainant is the erstwhile employee of the petitioner and when he had transferred certain secret informations to the other company, he was caught and he had also given a letter in that regard. Apprehending some danger or some action from the petitioner herein, he has lodged a false complaint against the



petitioner. Therefore, the entire final report is to be quashed.

3. Heard the learned counsel for the petitioner, the learned counsel for the 2nd respondent and the learned Additional Public Prosecutor appearing for the 1st respondent and also perused the entire final report.

4. It is seen that the Investigating agency has recorded the statements of 8 witnesses and others. Therefore, whether the contention put forth by the petitioner is true or not is the helm of affairs of the concerned trial Court. This Court while exercising its power under Section 482 Cr.P.C. cannot appreciate the materials and the probative value of the statements cannot be gone into at this stage. After going through the facts of the case, when the Court was about to dismiss the petition, the learned counsel for the petitioner submitted that the personal appearance of the petitioner before the trial Court may be dispensed with.

5. Accordingly, the personal appearance of the petitioner before the trial Court is dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court and the petitioner shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief.

6. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ksa-2/gd

To

1. The XXIII Metropolitan Magistrate
Saidapet, Chennai
2. The Chief Metropolitan Magistrate
Saidapet, Chennai



3. The Inspector of Police
Law & Order, E4, Abiramapuram Police Station
Mylapore, Chennai

4. The Public Prosecutor
High Court, Madras.

+1cc to M/s.Raman and Associates, Advocate, S.R.No.38873

+1cc to Mr.S.Vijayaganesh, Advocate, S.R.No.39057

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and
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SSI (CO)
CT/05/07/2022