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CrI.O.P.No.22260 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.22260 of 2022

Murugesan

...Petitioner

/vs/

1. The State

Rep by Inspector of Police,
E3, Saravanampatty Police Station,
Coimbatore.

2. Nathan

S/o.Kuppusamy

...Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 Cr.P.C. to direct the learned Principal District Judge, Coimbatore, to number the petition filed under Section 195 of Cr.P.C read with Section 340 Cr.P.C in CMP.No.2431 of 2022 in CMP.No.2352 of 2022 in Cr.No.332 of 2022.

For Petitioner

... Mr.C.D.Johnson

For Respondents

... Mr.E.Raj Thilak for R1
Additional Public Prosecutor
No appearance for R2
(Notice served)



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ORDER

This Criminal Original Petition has been filed to direct the learned Principal District Judge, Coimbatore, to number the petition filed under Section 195 of Cr.P.C read with Section 340 Cr.P.C in CMP.No.2431 of 2022 in CMP.No.2352 of 2022 in Cr.No.332 of 2022.

2. The learned counsel for the petitioner has submitted that the petitioner is running a business at Coimbatore. Believing the words of the 2nd respondent, the petitioner transferred a sum of Rs.11,05,483/- to the SMT Traders Bank Account. But they failed to supply goods as per their assurance. Hence, the petitioner lodged a complaint before the 1st respondent and the same has been registered as a case in Cr.No.332 of 2022 for the offences punishable under Sections 406 & 420 of IPC. Pending enquiry, the 2nd respondent filed an anticipatory bail in CMP.No.2352 of 2022 before the Vacation & Sessions Judge, Coimbatore and the trial court granted Interim Injunction which necessitated the petitioner to file an application under Section 195 r/w Section 340 Cr.P.C., in CMP.No.2431 of 2022 in CMP.No.2352 of 2022 in Cr.No.332 of 2022



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in which the 2nd respondent misled the trial court by producing the forgery document and prayed to initiate appropriate criminal prosecution as against the 2nd respondent for production of forgery invoice with endorsement that the goods were received by the petitioner under Section 195 r/w Section 340 Cr.P.C., and obtained an order of interim bail. Further the 2nd respondent not pressed the CMP.No.2352 of 2022 and based on the endorsement, on 02.06.2022, the trial court dismissed the anticipatory bail application.

3. Heard the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

4. When this Court enquired, whether any application has been filed before the trial court and any order has been passed or whether the trial court has refused to take on file a written petition, the learned counsel for the petitioner has repeatedly stated that neither written order nor closing order has been passed.



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5. On perusal of the records, it is seen that the petitioner filed a petition under Section 195 of Cr.P.C read with Section 340 of Cr.P.C in CMP.No.2431 of 2022 in CMP.No.2352 of 2022. The CMP.No.2352 of 2022 is filed by one accused K.Nathan seeking anticipatory bail for the offence punishable under Sections 406 and 420 of IPC. Thereafter, this petitioner has filed an intervening petition in CMP.No.2431 of 2022. It is also seen that the 2nd respondent not pressed the anticipatory bail petition. Hence, the learned Principal District & Sessions Judge, Coimbatore, has dismissed the petition as not pressed on 02.06.2022. When the anticipatory bail petition is dismissed as not pressed, the intervening petition filed by the petitioner in CMP.No.2431 of 2022 goes along with the anticipatory bail petition.

6. Considering the facts and circumstances of the case, this court is of the view that without filing any petition before the trial court under Section 195 of Cr.P.C read with Section 340 Cr.P.C,, invoking Section 482 of Cr.P.C before this court, is not entertainable.



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8. For wasting the court's time, this court dismissed this petition with a cost of **Rs.10,000/-(Rupees Ten Thousand Only)** payable to the Government/Chief Minister Relief Fund ,on or before 07.12.2022.

Index : Yes/No
Internet : Yes/No
gv

17.10.2022



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V.SIVAGNANAM,J.

gv

To

1. The Inspector of Police,
E3, Saravanampatty Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

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