



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/1/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO.10994 OF 2017

A N D

CRL.M.P.NOS.7262 AND 7263 OF 2017

Soundarapandian

...Petitioner/Accused

Vs

1. The State
rep. By the Inspector of Police
District Crime Branch
Kancheepuram.

2. P. Jawahar ...Respondents/Complainant
(Impleaded as per the order of
this Court, dated 29/6/2017
made in Crl.M.P.No.7919 of 2017
in Crl.O.P.No.10994 of 2017)

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C., to quash the proceedings in C.C.No.172 of 2016, on the
file of the Judicial Magistrate No.II, Chengalpattu.

For Petitioner ... Mr.C.P.Sivamohan

For Respondents... Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side) for R.1.

Mr.B.Balavijayan
for R.2

O R D E R

This Criminal Original Petition has been filed to quash the
proceedings in C.C.No.172 of 2016, on the file of the Judicial
Magistrate No.II, Chengalpattu.

2.The crux of the charge is that the accused playing
deception and fraud, induced the defacto complainant to part



with the amount of Rs.80,00,000/-, under the pretext of selling the property belonging to him. In fact, the property did not belong to him. The petitioner has made the defacto complainant to part with the amount to some other land. Due to the pressure made by the accused, the defacto complainant had to part with a sum of Rs.80 lakhs, thereby, committed an offence, punishable under Sections 406, 420, 506 (i) r/w. 34 of the Indian Penal Code. Investigation Officer completed the investigation and laid final report.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The main contention of the learned counsel appearing for the petitioner is that the entire case is falsely implicated and no such offence has taken place. Hence prays this Court to quash the proceedings pending in C.C.No.172 of 2016.

5. At the outset, I am unable to persuade myself to the submission made by the learned counsel appearing for the petitioner. What was sought to be argued before the trial Court was canvassed before this Court. Whether the entire prosecution is malicious or not could be seen only after establishing the facts before the trial Court. When there are prima facie materials found in the final report, particularly, with regard to the deception and inducement played by the accused, the trial has to see its logical end. Merely on the basis of the submissions and inference, final report cannot be quashed.

6. Accordingly, this Criminal Original Petition is dismissed. The trial Court shall dispose of the main case as expeditiously as possible, without any inference. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Judicial Magistrate No.II,
Chengalpattu.
2. Do Thro Chief Judicial Magistrate,
Chengalpattu.



3. The Inspector of Police
District Crime Branch
Kancheepuram.

4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.C.P.Sivamohan, Advocate, S.R.No.962

Cr1. O.P. No.10994 of 2017

BP (CO)
RGA (23/02/2022)