



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.04.2022
CORAM
THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P(MD) No.6926 of 2022

in

CrI.M.P(MD) No.4781 of 2022

P.K.Selvaraj

.. Petitioner/Accused No. I

Vs

Perumal

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying this Court to quash the proceedings against the petitioner in CC No.376 of 2018 on the file of the learned Judicial Magistrate No.II, Karur.

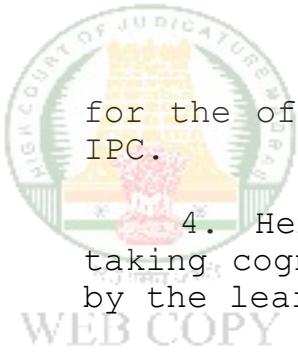
For Petitioner : Mr.A.Thiyagarajan

ORDER

This petition has been filed to quash the proceedings in CC No.376 of 2018 on the file of the learned Judicial Magistrate No.II, Karur thereby taken cognizance for the offences under Sections 120 (B), 406, 420, 468, 471 and 506(i) of IPC as against this petitioner.

2. The only ground raised by the petitioner is that for taking cognizance for the alleged offence, the learned Magistrate failed to follow the procedure contemplated under Section 202 of Cr.P.C. Already the complaint lodged by the respondent was registered in Crime No. 23 of 2014 on the file of the District Crime Branch, Karur for the offences under Sections 120(B), 406, 420, 468, 471 and 506(i) of IPC. After completing the investigation, the investigating officer filed closure report as 'Further Action Dropped' on 07.02.2015 and the respondent was duly served with the RCS No.12 of 2015. On receipt of the same, the respondent filed protest petition and the same has not been enquired by the learned Magistrate. The learned Magistrate mechanically issued summons after taking cognizance.

3. A perusal of the record reveals that after recording evidence, sworn statement and also on perusal of the document filed before the trial Court, the learned Magistrate had taken cognizance and issued summons under Section 204 of Cr.P.C. For taking cognizance, the defacto complainant has to satisfy the magistrate to make out the *prima facie* case. In the case on hand, the learned Magistrate conducted detailed enquiry under Section 202 of Cr.P.C and after recording evidence and also perusal of the document produced by the defacto complainant had taken cognizance



for the offence under Section 120(B), 406, 420, 468, 471 and 506(i) of IPC.

4. Hence this Court finds no illegality or infirmity while taking cognizance in the complaint lodged by the respondent herein by the learned Magistrate.

5. In the result, this Criminal Original Petition stands dismissed as devoid of merits. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Judicial Magistrate No.II, Karur.

+1 CC to M/s.A. THIYAGARAJAN, Advocate (SR-18441[F] dated 13/04/2022)

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