



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.20622 of 2021

WEB COPY

1. S.Gopinath

2. K.Muniyappan

... Petitioners/Accused No.1 & 2

Vs.

1. State of Tamil Nadu

The Inspector of Police,
Contonment Police Station,
Trichy District.

... 1st Respondent/Complainant

2.N.Mitul Shah

... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the charge sheet in PRC.No.100/2021 on the file of the Judicial Magistrate Court No.II, Trichy and quash the same.

For Petitioner : Mr.N.Anandakumar

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.S.Ramakrishnan

O R D E R

This Criminal Original Petition has been filed to quash the P.R.C.No.100/2021, on the file of the Judicial Magistrate Court No.II, Trichy.

2.Though, the quash petition filed under compromise terms between the parties, the learned counsel for the petitioner would not able to produce the *defacto* complainant before this court. This Court repeatedly adjourned the matter for more than five occasions. That apart, the petitioner committed offence punishable under sections 364(A), 294(b), 323, 344, 346, 307 and 506(ii)IPC.

3.The case of the prosecution is that from December 2020 to January 2021, the accused persons invested Rupees Twenty Lakhs in the business of the *defacto* complainant and due to current global scenario, the *defacto* complainant could not repay the amount as promised. On 20.04.2021, the second accused brought the *defacto*



complainant from Chennai and confined him at Room No.809, Plasa Hotel, Trichy and demanded him to repay the amount. The *defacto* complainant also paid rupees Two Lakhs to the accused persons. After that, the accused persons were not satisfied and tortured the *defacto* complainant, locked him in the room and restricted his freedom. On 12.05.2021, the accused persons took the *defacto* complainant in a car and threatened him by pouring petrol on him and on 14.05.2021 at about 4PM, the second accused poured petrol on the *defacto* complainant and light him up on fire. Due to that the *defacto* complainant got injured and the accused persons threatened him not to tell any one. Since the money was not transferred from the *defacto* complainant, the accused persons asked one Muniappan, to bring the *defacto* complainant to a secluded place, where the accused persons would be waiting to kill him. When the car was about to start, the *defacto* complainant shouted and rant to the reception to help. Hence, the case was registered by the first respondent against the accused persons.

4.In view of the above and also considering the gravity of offence, this Court is not inclined to quash the petition and this Criminal Original Petition is dismissed. However, the learned Judicial Magistrate, No.II Trichy is directed to complete the committal proceedings, within two weeks, from the date of receipt of a copy of this order and the trial court is also directed to complete the trial proceedings within six months, from the date of receipt of committal proceedings.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Encl: Photocopy of Compromise Memo attached.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Judicial Magistrate, No.II,
Trichy.

2.The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Contonment Police Station,
Trichy District.



CrI.O.P.(MD)No.20622 of 2021

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CrI.O.P. (MD) No.20622 of 2021
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MGJ(14.03.2022) 3P 4C