



Crl.O.P.No.1908 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **08.06.2023**

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.1908 of 2021

and

Crl.M.P.No.1093 of 2021

Rajkumar

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
V-3, JJ Nagar Police Station,
Ambattur Industrial Estate Road,
Anna Nagar, Mogappair East,
Chennai,
Tamil Nadu - 600040.

2.Manigandan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records in C.C.No.212 of 2018 on the file of the Hon'ble Judicial Magistrate, Ambattur, Chennai and to quash the same.

For Petitioner : M/s.Ma. Gouthaman

For Respondents: Mr.A.Damodaran, Addl. Public Procecuter [R.1]

: No appearance [R.2]



ORDER

The petition is to quash the final report for the alleged offences under Sections 341, 323, 294 (b) 384 and 506 IPC.

2. It is alleged in the final report that the petitioner was known to the de facto complainant and on 21.03.2018 at about 1.30 pm, he had waylaid and attacked the de facto complainant and obtained 2 blank cheques bearing Nos.448377 and 44378 drawn on SBI Bank, besides Driving License and PAN card belonging to the de facto complainant.

3.(a). The learned counsel for the petitioner submitted that there were money transactions between the petitioner and the de facto complainant and thus, the complaint which has culminated in the impugned final report was filed only to avoid payment of money and to prevent the petitioner from depositing the cheques issued in favour of the petitioner.

3.(b). The learned counsel further submitted that the de facto complainant is no more and in any event the cheques which were issued by the de facto complainant cannot be encashed. The petitioner had also not



presented the said cheques so far. The learned counsel further submitted that since the case is motivated and it is a malafide, the impugned prosecution is liable to be quashed.

4. The learned Additional Public Prosecutor submitted that there are allegations in the impugned final report which have to be adjudicated only by the Trial Court. He further submitted that the de facto complainant is no more and the 1st respondent police attempted to inform the legal heirs of the de facto complainant about the pending proceedings. However, they found that there are no legal heirs for the de facto complainant.

5. This Court on perusal of the impugned final report finds that admittedly there were money transactions between the petitioner and the de facto complainant. The allegation that the petitioner had attacked and obtained the cheques in favour of the petitioner appears to be inherently improbable in the facts and circumstances of the case. In view of the relationship between the parties, the allegation of attack and abuse in filthy language cannot be believed.



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6. In any case, the de facto complainant is no more and even assuming that the petitioner had taken the cheques forcibly, cannot encash the same.

The petitioner has not so far presented the cheques said to have been collected by him. Further, as stated earlier, the de facto complainant is no more and no useful purpose would be served in keeping the proceedings pending before the Trial Court.

7. In view of the above, this Court is of the view that in the interest of justice, the impugned charge sheet is liable to be quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

08.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To,

1. The Inspector of Police,
V-3, JJ Nagar Police Station,
Ambattur Industrial Estate Road,
Anna Nagar, Mogappair East,
Chennai, Tamil Nadu - 600040.

2. The Judicial Magistrate, Ambattur, Chennai.



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SUNDER MOHAN. J.

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