



Crl.O.P.No.26499 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.26499 of 2022

A.Ramamoorthi

...

Petitioner

Vs.

1.The Inspector of Police,
Kundrathur Police Station,
Kanchipuram District.

2.M.Sathiyaraj

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the proceedings in C.C.No.131/2018 pending on the file of the learned Judicial Magistrate Court No.I, Sriperumpudhur.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records and quash the proceedings in C.C.No.131/2018, pending on the file of the Judicial Magistrate Court No.I, Sriperumpudhur.

2.The learned counsel for the petitioner submitted that the only



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allegations made against the petitioner is that he, along with the other accused, was said to have abducted the defacto complainant in a Car and had beaten him along with the other accused. Except the statement of the complainant, there is no material available incriminating the petitioner in the crime alleged against him. Therefore, he prays for the quashing of C.C.No.131/2018.

3.In response, the learned Government Advocate (Crl.side) submitted that petitioner along with the other accused abducted the defacto complainant for recovery of money from the defacto complaint, which was alleged to have been lent by the accused Arumugam. They have beaten the petitioner indiscriminately with their hands and also made death threats.

4.Considered the rival submissions and perused the records.

5.It is seen from the records, especially, the complaint and final report that a case in crime No.2668 of 2017 was registered against one Arumugam and others before the Kundrathur police station for the offences under Sections 147, 294(b), 323, 363 & 506(1) IPC. The FIR allegations, in brief, shows that the defacto complainant had given a cheque in connection with the



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loan transaction between one Arunkumar and Arumugam. Arunkumar is the friend of the defacto complainant. As per the request of Arunkumar, he gave a cheque to Arumugam. Arumugam wanted him to pay the money and on 09/11/2017, at about 9:00 p.m., Arumugam along with other accused including the petitioner had come in a Tata Indica Car, bearing registration No.TN 12K 6888 and 2 two wheelers and abducted the petitioner from his house under threat. He was abducted by Arumugam, Ramumurthy, Deva & Dani and attacked indiscriminately with their hands. Arumugam had also made a death threat to him. On the basis of this complaint, FIR was registered. After investigation, a final report was also filed against the accused Arumugam, Ramamurthy, Deva & Dani for the offences under Sections 147, 294(b), 323, 363 & 506(1) IPC.

6.The defacto complainant supported the allegations made in the complaint in his statement. The statement of other witnesses also support the case of the prosecution. Witnesses Maheswari and Devendran were examined to speak about the occurrence happened near the house of the defacto complainant. One Sarala is cited as a witness to corroborate the evidence of witnesses Maheswari and Devendran. Perusal of the materials produced in



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this case shows that the prosecution has made out a case for framing charges against the petitioner and other accused for the offences under Sections 147, 294(b), 323, 363 & 506(1) IPC.

7.In this view of the matter, this Court is of the view that the prayer for quashing C.C.No.131/2018, on the file of the Judicial Magistrate Court No.I, Sriperumpudhur, cannot be entertained. In consequence thereto, this Criminal Original Petition is dismissed. The Trial Judge is directed to dispose of the case as expeditiously as possible.

8.Accordingly, this Criminal Original Petition is dismissed.

23.01.2023

sli
Internet:Yes
Index:Yes/No
Speaking/Non speaking order

To:

1.The Inspector of Police,

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Kundrathur Police Station,
Kanchipuram District.

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2.The Judicial Magistrate Court No.I,
Sriperumpudhur.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY



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G.CHANDRASEKHARAN, J.
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