



WEB COPY

Crl.O.P.No.25205 of 2023



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 15.11.2023

CORAM :

**THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN**

**Crl.O.P.No.25205 of 2023**  
**and Crl. MP. No.17473 of 2023**

Sridharan

... Petitioner

-VS-

1.State rep by,  
The Inspector of Police,  
Gobichettypalayam, Erode.  
(FIR No:159/2023)

2.Sudharsan  
...Respondents

**PRAYER :** Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings pending in C.C. No.192 of 2023 on the file of the learned Judicial Magistrate-1, Gobichettypalayam.

|                  |                                                      |
|------------------|------------------------------------------------------|
| For Petitioner   | : Ms.L.Monisha                                       |
| For Respondent 1 | : Mr.S.Udayakumar,<br>Government Advocate (Crl.Side) |

**ORDER**

The petitioner is the first accused in C.C. No 192 of 2023, wherein, the



petitioner facing trial for the offences under Sections 457 and 380 of IPC.

WEB COPY

2. According to the learned counsel for the petitioner, the complaint preferred by the second respondent for theft of cash worth about Rs.2.8 Crores and jewels worth about Rs.70,000/- from his house on 06.04.2023 is a fabricated allegation. The investigation done by the respondent police has not brought out any incriminating material against him. The statement of witnesses are invalid in the eyes of law. The confession statements are not recorded as per the law. Alleging that the statements of the witnesses are all hearsay in nature, a civil transaction in respect of purchase of a house now been given a criminal colour.

3. However, the learned Government Advocate (Crl.Side) appearing for the State submitted that there are ample materials available which are sufficient to frame charge against the petitioner for offence under Sections 457 and 380 of IPC and proceed with. Particularly, the learned Government Advocate (Crl.Side) submitted that the finger print lifted from the SOC tallies with the finger print of the petitioner. The case of theft, the finger print evidence is very crucial and more reliable.

4. Considering the averments made in the affidavit and the statements of witnesses including the handwriting expert opinion, this Court is of the view



that it is not a case to be quashed at a pre-trial stage. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

**15.11.2023**

Internet : Yes/No  
Index : Yes/No  
rkp  
To

- 1.The Judicial Magistrate-1,  
Gobichettypalayam.
- 2.The Inspector of Police,  
Gobichettypalayam, Erode.
3. The Public Prosecutor,  
Madras High Court, Madras.



WEB COPY

Crl.O.P.No.25205 of 2023



**Dr.G.JAYACHANDRAN, J.**

rkp

**Crl.O.P.No.25205 of 2023**  
**and Crl. MP. No.17473 of 2023**

**15.11.2023.**