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Crl.R.C.No.2086 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2086 of 2023
and Crl.M.P.Nos.19076 & 17077 of 2023

K.G.Abraham

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Central Crime Branch, Team-I,
Vepery, Chennai – 600 007.

2.Rajesh

... Respondents

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order in Crl.M.P.No.299 of 2023 dated 04.11.2023 passed by the learned Judicial Magistrate No.I, Poonamallee and discharge the petitioner in C.C.No.228 of 2023 on the file of the learned Judicial Magistrate No.I, Poonamallee.

For Petitioner : Mr.S.John Sathyan
Senior Counsel
for Mr.P.Divakar

For R1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioner/A2 who is facing trial in C.C.No.228 of 2023 before the learned Judicial Magistrate No.I, Poonamallee for the offence under Sections 120(b), 467, 468, 471, 420 IPC r/w. 465 IPC filed a discharge petition in Crl.M.P.No.299 of 2023. The Trial Court by order dated 04.11.2023 dismissed the same. Against which, the present petition is filed.

2.The contention of the learned senior counsel for the petitioner is that a civil dispute has been given a criminal colour and projected as though the petitioner committed forgery and knowingly using the forged document approached the National Highways Department and received a sum of Rs.42,97,920/-. According to the petitioner, he was falsely implicated in this case. The Lower Court without considering the petitioner's ground and taking the statement and document as a whole dismissed the petition on 04.11.2023 which is not proper.

3.The learned Additional Public Prosecutor strongly opposed this petition stating that charges were framed against A1 and A2 on 17.11.2023,



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thereafter case was posted for examination of witness, summons were issued for appearance of witness on 01.12.2023, later it was posted to 05.12.2023 and now it is posted to 21.12.2023.

4.At this juncture, the learned senior counsel for the petitioner submitted that he may be permitted to withdraw this petition and liberty may be given to file a quash petition in view of the subsequent development. Learned counsel on record made an endorsement to that effect.

5.Accordingly, the Criminal Revision Petition is dismissed as withdrawn with liberty to the petitioner to challenge the charge sheet by filing a quash petition under Section 482 Cr.P.C., if he is so desires. Consequently, connected miscellaneous petitions are closed.

11.12.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

cse

To

- 1.The Inspector of Police,
Central Crime Branch, Team-I,
Vepery, Chennai – 600 007.
- 2.The Judicial Magistrate No.I,
Poonamallee

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