



Crl.O.P.(MD)No.15689 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.15689 of 2020

and

Crl.M.P.(MD)Nos.7692 & 7693 of 2020

1.Kumar Charlie Paul

2.J.George Celin Chandran

... Petitioners

Vs.

1.The State rep by
The Inspector of Police,
District Crime Branch,
Tuticorin District.
Crime No.13 of 2007

2.Juliyam Sambayagam(Late)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned charge sheet in C.C.No.378 of 2018 on the file of the learned Judicial Magistrate Court No.IV, Tuticorin and quash the same.

For Petitioners : Mr.K.Samidurai



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For R1

: Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.378 of 2018 on the file of the learned Judicial Magistrate Court No.IV, Tuticorin.

2.According to the petitioners, they have been falsely implicated in a case punishable under Sections 120(B), 408, 465, 468, 471, 477(A) IPC in Cr.No.13 of 2007, which was registered on the basis of the complaint given by the second respondent herein and the same has been taken on file by the learned Judicial Magistrate No.I, Tuticorin in C.C.No.378 of 2018 and the same is pending for trial. In fact, there is dispute between two groups and opposite group filed this false complaint and thereafter, the defacto complainant himself sent a letter to the Superintendent of Police for withdrawing the complaint. In spite of that the first respondent police investigated the case and filed final report. The date of FIR is 19.04.2007, but, final report filed only in the year 2018, after inordinate delay. Even as per the final report, no offences are made out as against



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the petitioners. The petitioners have no financial powers and they are only supervisors. The main accused in this case died during investigation and thereby, the case against the petitioners is liable to be quashed.

3.The learned counsel appearing for the petitioners would contend that the petitioners have no financial power for sanctioning any amount. Based on the false complaint, the first respondent registered the case and there is delay in conducting the investigation. That apart, the defacto complainant himself withdrew the complaint, inspite of that, the police have investigated the case. Entire allegation is against the third accused and he died during investigation and now, the matter has been amicably settled between the parties and hence, the case against the petitioners in C.C.No.378 of 2018 is liable to be quashed.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would contend that in this case so many aggrieved persons involved and police have enquired the students and they also gave statements alleging that huge amount was collected from the



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students and it is a matter for trial. The alleged offences are also grave in nature. The Investigation Officer examined more than 479 witnesses and as per the statements and records collected by the Investigation Officer, all the offences are prima facie made out and thereby, this petition is liable to be dismissed.

5.Heard both sides and perused the materials available in the record.

6.On perusal of records shows that based on the complaint given by the second respondent, the first respondent registered FIR and thereafter, elaborate investigation done in this case and more than 479 witnesses were examined and so many documents were also collected. That apart, public money was involved in this case and all the offences are grave in nature. Though the second respondent withdrawn the complaint during investigation, public money involved in this case and thereby, withdrawal of the complaint is immaterial and as per the final report, prima facie case made out. As per guidelines given by the Hon'ble Supreme Court of India in a case of *M/s Neeharika*



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Infrastructure Pvt. Ltd Vs. State of Maharashtra and others, this Court need not interfere with the case at this stage and this petition is liable to be dismissed.

7.At this juncture, the learned counsel appearing for the petitioners prayed before this Court for dispensing the personal appearance of the petitioners before the trial Court. It is for the trial Court to decide as to whether the presence of the petitioners is required or not and the petitioners are at liberty to approach the trial Court in this regard. If any application filed by the petitioners, the trial Court shall take into consideration the age of the petitioners and pass appropriate orders.

8.In the result, this criminal original petition is dismissed.
Consequently, connected miscellaneous petitions are closed.

26.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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P. DHANABAL,J.

gns

To

- 1.The Judicial Magistrate Court No.IV,
Tuticorin.
- 2.The Inspector of Police,
District Crime Branch,
Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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