



Crl.O.P.No.8043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8043 of 2024
& Crl.M.P.Nos.5862 & 5860 of 2024

R.Eswaramoothi.

... Petitioner/1st Accused
/versus/

1. The State by

The Inspector of Police,
Central Crime Branch,
Tiruppur City Commissionerate,
Tiruppur – 641 604.

... 1st Respondent/Complainant

2. Mr.N.Ravi

... 2nd Respondent/defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.727 of 2023 pending on the file of the Judicial Magistrate No.II, Tiruppur and quash the same.

For Petitioner : Mr.T.Gowthaman, Senior Counsel
for Mr.B.Pachaiyappan

For R1 : Mr.K.M.D.Muhilan.
Government Advocate (Crl.Side)



ORDER

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The petition to quash the private complaint take on file by the Learned Judicial Magistrate-II, Tiruppur.

2. The Learned Counsel appearing for the petitioner submits that the complaint as such suppressed the pendency of civil suit regarding the said property and other vital suppression of facts has led to taking cognizance of the complaint on file.

3. Further, the Learned Counsel for the petitioner also submitted that earlier the complaint given to the police was investigated and closed as mistake of fact. However, preferred petition under Section 156 (3) of Cr.P.C., the present private complaint been now taken cognizance.

4. From the Trial Court status, this Court finds that the Learned Magistrate after recording the sworn statement of P.W.1, P.W.2 and P.W.3, being *prima facie* satisfied that the trial Court has taken cognizance of the complaint and has caused process to the accused persons. Now, the case is posted to



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09.05.2024 for questioning the accused and framing of charges.

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5. This Court is of the view that the petitioner herein shall answer the questioning and file a petition for discharge pointing the grounds which has been now raised in the quash petition and agitate before the trial Court which will be the competent Court to look into the materials relied by the complainant and the defence of the accused persons, whether to frame charge or to drop further proceedings.

6. With the above observation, this ***Criminal Original Petition is disposed of.*** Consequently, connected Miscellaneous Petitions are closed.

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Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking Order
bsm.

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Dr.G.JAYACHANDRAN,J.

bsm

Copy to:-

1. The Judicial Magistrate No.II, Tiruppur
2. The Inspector of Police,
Central Crime Branch, Tiruppur City Commissionerate,
Tiruppur – 641 604.
3. The Public Prosecutor, High Court, Madras.

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