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CrI.O.P.No.27102 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.27102 of 2024

and

CrI.M.P.Nos.15014 and 15018 of 2024

1.Jayapal

2.Archanakumari

... Petitioners

Vs.

1. State by

The Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri District,
Crime No.06 of 2014.

2. M.Senthilmohan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with C.C.No.81 of 2016 on the file of Judicial Magistrate-II, Krishnagiri and quash the same.

For Petitioners : Mr.K.Thiruvengadam

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1
R2 – Not ready in notice



CrI.O.P.No.27102 of 2024

ORDER

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This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.81 of 2016 on the file of the Judicial Magistrate-II, Krishnagiri.

2. Learned counsel for the petitioners submitted that the dispute between the petitioners and the private respondent is purely money transaction, in which the first respondent police is unnecessarily interfering and trying to give criminal colour. Therefore, the charge sheet in C.C.No.81 of 2016 may be quashed.

3. Learned Additional Public Prosecutor for the first respondent submitted that based on the complaint given by the second respondent/*de-facto* complainant, a case in Crime No.06 of 2014 was registered for the offences under Sections 406, 420 and 506-Part I IPC. On completion of investigation, matter been taken cognizance by the learned Judicial Magistrate-II, Krishnagiri in C.C.No.81 of 2016 and trial



CrI.O.P.No.27102 of 2024

commenced and L.W.1 was also examined and other witnesses have been summoned for trial.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent and perused the records.

5. It is seen from the records that there are *prima facie* allegations made against the petitioners. It is also seen that in the case on hand, charges framed against the petitioners and trial commenced. Therefore, this Court is of the view that it is a matter for trial and all the points raised by the petitioners herein have to be agitated before the trial Court.

6. It is settled law that while quashing the criminal cases, the Court has to see whether there is any *prima facie* evidence or materials against the accused, however, the Court does not need to see materials that are sufficient to convict the accused.

7. Considering the facts and circumstances, this Court is not inclined to entertain this petition. Hence, this Criminal Original Petition is



CrI.O.P.No.27102 of 2024

dismissed. Consequently connected miscellaneous petitions are closed.

WEB COPY

19.11.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

- 1.The Judicial Magistrate-II,
Krishnagiri.
2. The Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.



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CrI.O.P.No.27102 of 2024

P.VELMURUGAN, J

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