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CrI.O.P.No.26401 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.26401 of 2024

and

CrI.M.P.No.14661 of 2024

S.P.Selvaganesh

... Petitioner

Vs.

1. State rep.by :

The Inspector of Police,
Central Crime Branch,
Egmore, Chennai – 600 008.

2. P.Ramasamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to C.C.No.11548 of 2008 on the file of the Metropolitan Magistrate, Additional Court for Exclusive Trial of CCB Cases, Egmore, Chennai – 600 008 and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.11548 of 2008 on the file of the Metropolitan Magistrate, Additional Court for Exclusive Trial of CCB Cases, Egmore, Chennai.

2. Learned counsel for the petitioner submitted that the petitioner was arrayed as A3 in C.C.No.11548 of 2008. Only A1, who is the prime accused has indulged in the offences under Sections 420 r/w 109 IPC. Since A1 died, the charges against A1 stood abated. He further submitted that the petitioner has been falsely implicated in this case and there are no materials to show that the petitioner is involved in the above alleged offences and hence, he prays to quash the charge sheet.

3. Learned Additional Public Prosecutor appearing for the first respondent/Police submitted that, based on the complaint given by the second respondent/*de-facto* complainant, a case in Crime No.128 of 2006 had been registered against the petitioner herein and two others, for the



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offences under Sections 420, 419, 468, 471 read with 109 IPC. On completion of the investigation, the Police filed the charge sheet before the learned Metropolitan Magistrate, Additional Court for Exclusive Trial of CCB Cases, Egmore, Chennai – 600 008 and the same was taken on file in C.C.No.11548 of 2008 and the charges were also framed against the petitioner and other accused and summons had also been served on the witnesses for hearing and the date for trial is also fixed as 02.12.2024. Therefore, the learned Additional Public Prosecutor prayed that this petition may be dismissed.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Admittedly, the petitioner has been shown as A3 in C.C.No.11548 of 2008. It is noticed that, based on the complaint given by the second respondent herein, the case was registered against three persons in Crime No128 of 2006 for the offences under Sections 420, 419, 409 and 471 r/w 109 IPC. On completion of investigation, matter been taken cognizance of by the learned Magistrate in C.C.No.1154 of



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2008. Since the charges stood abated as against A1, that charges were framed as against the petitioner and the other accused.

6. On a perusal of the statement of the *de-facto* complainant under Section 161(3) Cr.P.C., it is seen that the *de-facto* complainant had categorically stated about the involvement of the petitioner, and even A1 who made confession statement, also spoke about the involvement of the petitioner. Though the learned counsel for the petitioner submitted that the statement given by A1 as against the petitioner, is not relevant to the present case, but it is for some other case, but however, the confession statement of A1 shows that A1 knows about the petitioner and he has also stated that A1 had given idea to the petitioner and based on that, the petitioner had indulged these types of crimes. Whether the confession statement given by the co-accused i.e., A1 is a valid one or not and based on that, the petitioner has been shown as an accused and also whether the materials available in the charge sheet are sufficient for conviction of the petitioner or not, will have to be decided only after trial.

7. This Court, after perusing Section 161 Cr.P.C., statement and



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other materials, is of the view that there are *prima-facie* allegations made out against the petitioner, and therefore, this Court is not inclined to entertain this petition. However, the petitioner is at liberty to take his defence during trial in C.C.No.11548 of 2008. The first respondent/Police is directed to produce all the witnesses for all hearings and the learned Magistrate concerned is directed to expedite the trial and dispose of the case as expeditiously as possible.

8. With the above observations and directions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

19.11.2024

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

1. The Metropolitan Magistrate,
Additional Court for Exclusive Trial of CCB Cases,
Egmore, Chennai – 600 008.
2. The Inspector of Police,
Central Crime Branch,
Egmore, Chennai – 600 008.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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