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CrI.O.P.No.25515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.25515 of 2024 and

CrI.M.P.Nos.14290, 14293 and 14926 of 2024

S.K.Srinivasan

... Petitioner

Vs.

The State Represented by Inspector of Police

Economic Offence Wing

Kanchipuram District

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C./528 of B.N.S.S. to call for the records in C.C.No.20 of 2024 on the file of the Chief Judicial Magistrate, Kanchipuram and quash the same.

For Petitioner : Ms.Uma Maheswari

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the final report in

C.C.No.20 of 2024 on the file of the Chief Judicial Magistrate, Kanchipuram.



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2. The case of the petitioner is that the petitioner has been arrayed as

A3 based on the complaint given by one Sekar in Crime No.5 of 2021 on the file of the respondent police and after completion of investigation, the respondent police filed charge sheet and the same was taken on file in C.C.No.20 of 2024 on the file of the Chief Judicial Magistrate, Kanchipuram, for the offences under Sections 406, 420, 294(b), 506(i) read with 34 I.P.C. and Sections 4, 14 and 76 of the Chit Fund Act, 1982. The contention of the petitioner is that the respondent police blindly registered the complaint of the defacto complainant without conducting any preliminary enquiry and also filed the final report without any investigation. Due to money dispute, a false case has been foisted against the petitioner. Further, a dead person namely Govindarajan, has been shown as witness in the final report which itself denotes that the police has acted arbitrarily and have favoured the defacto complainant. Hence, the final report in C.C.No.20 of 2024 has to be quashed.

3. While deciding the petition under Section 482 Cr.P.C./528 B.N.S.S.,



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the Court has to see whether any prima facie materials available to proceed the case further. A perusal of the FIR, charge sheet and the statements recorded from the list of witnesses shows prima facie materials to proceed the case further against the petitioner.

4. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

5. It is for the petitioner to take all his defence before the trial Court during trial.

04.12.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Inspector of Police

Economic Offence Wing, Kanchipuram District

2. The Public Prosecutor

High Court of Madras

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P.VELMURUGAN. J.

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