



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 28410 of 2022

1 M.GOPI

...petitioner

Vs.

1 THE INSPECTOR OF POLICE
DCB TIRUVALLUR.

2 P.M.JOSHI

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records pertaining to CC.No.97 of 2018 in Cr.No.56 of 2010 on the file of Judicial Magistrate Court at Tiruttani and to Quash the same as illegal and unjust for the reasons insofar as the petitioner is concerned who is arrayed as Accused No.2 in the above case.



For petitioner : Mr.G.V.Ramanigopal

For R1 : Mr.S.Vinonth Kumar

Government Advocate (Crl. side)

ORDER

The petitioner herein filed this petition to call for the records pertaining to CC.No.97 of 2018 in Cr.No.56 of 2010 on the file of Judicial Magistrate Court at Tiruttani and to Quash the same as illegal and unjust for the reasons insofar as the petitioner is concerned who is arrayed as Accused No.2 in the above case.

2. The brief facts of the case:

The defacto complainant lodged a complaint before the respondent police stating that he is running a proprietorship firm for the past few years doing interior and allied works to his customers and she supplied tiles for D.D Medical college and hospital including laying of tiles at first floor of the said hospital building on the assurance of settling of material and labour bills. But, the said hospital management not settled the bills. Thereafter, on 05.04.2010, the defacto complainant met T.D Naidu chairman of the said hospital at his Anna Nagar office for recovery of payment dues to the defacto complainant. For which, the said T.D. Naidu threatened to kill him



and also stated that not to come and meet him for any payment dues. Hence, he lodged the case against the first accused and the second accused and FIR was filed under Section 420 IPC in crime No. 54 of 2010. After investigation the respondent police filed the final report and the same was taken on file in C.C No. 97 of 2018 in which the petitioner was arrayed as A3. Challenging the same the petitioner filed this petition.

3. The learned counsel for the petitioner submits that the petitioner is engineer by profession and software developer, he never involved in the alleged contract work given by the first accused. In fact, the petitioner name was not mentioned by the defacto complainant in the complaint. The petitioner was falsely implicated in this case. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl.side) raised strong objection to allow this petition.

5. On perusal of the records, it reveals that the defacto complainant lodged a complaint against the accused persons stating that he is running a proprietorship firm for the past few years doing interior and allied works to his customers and supplied tiles for D.D Medical college and hospital including laying of tiles at first floor of the said hospital building on the



assurance of settling of material and labour bills. But, the said hospital management not settled the bills. Thereafter, on 05.04.2010, the defacto complainant met T.D Naidu chairman of the said hospital at his Anna Nagar office for recovery of payment dues. For which, the said T.D. Naidu threatened to kill him and also stated that not to come and meet him for any payment dues. On perusal of the records, it reveals that the petitioner was working as a software developer in the said hospital except that there is no prime facie material against the petitioner to show that he cheated the defacto complainant. Hence, the proceedings against this petitioner in C.C No. 97 of 2018 pending before the Judicial Magistrate Court, Tiruttani, is hereby set aside.

6. In the result, this petition is allowed. No costs. Consequentially, connected miscellaneous petitions are closed.

14.03.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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