



**Crl.O.P.(MD) No.4780 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED: 02.04.2024

CORAM

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**CRL.O.P (MD) No.4780 of 2024**

**and**

**Crl.O.P (MD)No.3743 & 3744 of 2024**

1. Palanichamy

2. Kanagavelrajan

... Petitioners

Vs

1. State represented by  
The Inspector of Police,  
Vanniyampatti Vilakku Police Station,  
Virudhunagar District.  
(Crime.No.168/2022)

2. Murugan

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the charge sheet in CC.No.254 of 2023 on the file of the learned Judicial Magistrate No.II Srivilliputhur and quash the same as illegal.



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For Petitioners : Mr.T.Leninkumar  
For R1 : Mr.P.Kottai Chamy  
Government Advocate (Crl. side)

## **ORDER**

This criminal original petition has been filed seeking to quash the final report in C.C.No.254 of 2023 on the file of the learned Judicial Magistrate No.II Srivilliputhur.

2.The case of the prosecution is that the petitioners, without having any right over the property, have cheated the de-facto complainant and also threatened him. Based on the complaint lodged by the de-facto complainant, the first Respondent had registered a case in Crime No.168 of 2022 against the accused for the offences punishable under Sections 406, 420,467, 468, 294(b), 506(2) and Section 34 of I.P.C and after investigation, filed the final report..

3.The case of the petitioner is that the final report filed alleging commission of the offence punishable under Sections 406, 420,467, 468,



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294(b), 506(2) and Section 34 of I.P.C. is illegal. The allegation levelled against the petitioner does not attract Section 420 of I.P.C and Section 415 of I.P.C defines the term "cheating". There are no ingredients to make out an offence under the Sections mentioned in the final report. Hence the same is liable to be quashed.

4.The learned Government Advocate (CrI.Side) appearing for the respondent police submits that the case is taken on file and the petitioner can very well establish his case before the trial Court.

5.This Court considered the rival submissions made.

6.All the grounds raised by the petitioner herein can very well be raised by the petitioner before the trial Court and can establish his case in the trial. The petitioner can even file an application under Section 205 of Cr.P.C before the trial Court to get his personal appearance dispensed with. This Court is not inclined to entertain this petition.

7.Accordingly, this criminal original petition is dismissed with



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liberty to the petitioner to raise all these grounds before the trial Court.

Consequently, connected miscellaneous petitions are closed.

NCC : Yes/No  
Internet: Yes/No  
Index: Yes/No

**02.04.2024**

jbr

To

1. The Inspector of Police,  
Vanniyampatti Vilakku Police Station,  
Virudhunagar District.

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

jbr

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