



Crl.O.P(MD).No.11507 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.11507 of 2021 and
Crl.M.P(MD).Nos.5858 and 5859 of 2021

1.Pattu Jayaraman
2.Manikandan

... Petitioners / Accused 5 & 7

Vs.

1. The Sub Inspector of Police,
Kallikudi Police Station,
Kallikudi.

.. 1st respondent / complainant

2.P. Alluguswamy

. 2nd Respondent / defacto complainant

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records and quash the charge sheet in C.C.No.110 of 2020 on the file of the Judicial Magistrate Court, Thirumangalam, Madurai District.

For Petitioners : Mr.G.Genil

For 1st Respondent : Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

For 2nd respondent : Mr.K.Jayakumaran

ORDER

This Criminal Original Petition has been filed to call for the



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records and quash the charge sheet in C.C.No.110 of 2020 on the file of the Judicial Magistrate Court, Thirumangalam, Madurai District.

2. The case of the prosecution is that A1, who is the son-in-law of 1st petitioner herein / A5, has received a sum of Rs.7,00,000/- from the defacto complainant in the presence of 1st petitioner's grand son and daughter, by assuring that he will arrange the job in Indian Railway and subsequently, they have cheated him by giving a bogus appointment order. When the same was questioned by the defacto complainant, they have threatened him with dire consequences. Hence, a case has been registered in Crime No.263 of 2013 on the file of the first respondent Police and thereafter, the same was charge sheeted in C.C.No.110 of 2020 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District for the offences under Sections 406, 420, 465, 468, 471, 506(i), 120(B) and 473 IPC. Challenging the same, the petitioners herein have filed the present petition.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further



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submitted that the second respondent lodged the present complaint only with an intention to harass the petitioners and the allegations made against them is a false one and further the first respondent without conducting proper investigation, filed the final report. Accordingly, he prayed to quash the impugned charge sheet.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. The learned counsel appearing for the second respondent submitted that there is a specific allegations against the petitioners and hence, he prayed to dismiss the present petition.

6. Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful reference in this



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regard can be had to the decision of the Hon'ble Apex Court in *State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*.

7. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charge framed against them as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against them.

8. For the reasons aforesaid, this Court finds no ground or scope to quash the C.C.No.110 of 2020 on the file of the learned Judicial Magistrate Court, Thirumangalam, Madurai District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, the connected miscellaneous petitions are closed.

19.06.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To

WEB COPY

1. The Judicial Magistrate Court, Thirumangalam, Madurai District.
2. The Sub Inspector of Police,
Kallikudi Police Station,
Kallikudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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A.A.NAKKIRAN, J.

Trp

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