



Crl.O.P.No.21468 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.21468 of 2025 and
Crl.O.P.Nos.14721 and 14722 of 2025

C.Periyasamy

...Petitioner

Vs.

1. State represented by
The Inspector of Police,
District Crime Branch (DCB),
Tiruvallur District.

2. S.Rajkumar

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS to call for the records in related to C.C.No.73 of 2024 on the file of the learned Judicial Magistrate Court, Gummidipoondi, and quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondents : Dr.C.E.Pratap,
Government Advocate (Crl.Side)
for R1



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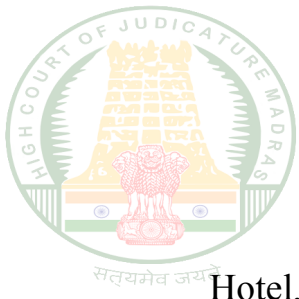
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ORDER

This petition has been filed seeking to quash the case in C.C.No.73 of 2024 pending on the file of the learned Judicial Magistrate, Gummidipoondi.

2 Learned counsel for the petitioner would submit that it is the allegation of the prosecution that the petitioner collected money to secure job to the defacto complainant and cheated him without securing job. But there is no *iota* of evidence produced by the prosecution to substantiate the said allegation. Even there is no single proof for the payment and the prosecution has not even produced any receipt from the Hotel, where, the petitioner and the second respondent alleged to have stayed, while the transaction took place. Therefore conduct of trial would not serve any purpose and hence the case in C.C.No.73 of 2024 is liable to be quashed.

3 Learned Government Advocate (Crl.Side) for the first respondent police would submit that the witnesses have clearly spoken about the overt act against the petitioner. Further the room receipt of the



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Hotel, where the second respondent/defacto complainant and the petitioner/accused have stayed and the fake employment order have also been produced before the Court along with the charge sheet. Therefore there is no reason to quash the case.

4 Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent and perused the materials available on record.

5 Even though learned counsel for the petitioner submitted that the prosecution has not produced any proof and has not substantiated the allegation, it is seen that while filing the charge sheet prosecution has filed the room receipt issued from the Hotel, where the petitioner and second respondent stayed. Further L.W.5 was an employee of the said Hotel and he clearly spoken about their stay. Therefore there are *prima facie* materials available against the petitioner to proceed further. The grounds taken by the petitioner to quash the case are all nothing but defence, which can be agitated during trial.



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Accordingly, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are closed. However, the petitioner is at liberty to take all his defence before the trial Court.

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Speaking /Non-speaking order

To

1. The Judicial Magistrate Court, Gummidipoondi.
2. The Inspector of Police, District Crime Branch (DCB), Tiruvallur District.
3. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.

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