

(1989) 02 MAD CK 0052

In the Madras High Court

Case No : Criminal M.P. No's. 4075, 4077, 4079 and 4081 of 1985

Dr. Sudersan

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 16-02-1989

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 239, 482
Penal Code, 1860 (IPC) — Section 420

Citation : (1989) LW(Cri) 529

Hon'ble Judges : David Annoussamy, J

Bench : Single Bench

Advocate : V. Sairam, for the Appellant; A.S.M.A. Hassan, for the Respondent

Final Decision : Dismissed

Judgement

David Annoussamy, J.—These are petitions u/s 482 of the Code of Criminal Procedure to call for the records and to quash the proceedings in C.C. Nos. 2170 to 2172 of 1985 and 2331 of 1985 on the file of the XI Metropolitan Magistrate, Saidapet.

2. Reports u/s 173. CrI. P.C. have been filed by the investigating officer to the effect that an offence u/s 420 Indian Penal Code appeared to have been committed by the accused in each of the above cases. The matter has been taken on file by the Magistrate. At that stage, the accused has come before this Court to quash the proceedings by stating that there was no substance in the reports filed by the investigating officer and that there was no offence committed by him. If it is so, it is open to him to put forth his pleas u/s 239 Code of Criminal Procedure before the Magistrate when he appears. The Magistrate, before framing charge will examine if necessary the accused, give the prosecution and the accused an opportunity of being heard and if he considers the charge against the accused to be groundless he shall discharge the accused. Therefore, the proper course open to the Petitioner is to appear before the Magistrate and make avail of the facilities offered to him u/s 239 CrI. P.C.

3. I do not see any reason at this stage to quash the proceedings and hence the petitions are dismissed.