

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2015

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

CRL.O.P.No.2313 of 2015

Vijayakumari @ Krishnakumari

.. Petitioner

Vs.

1. State rep.by
The Inspector of Police,
District Crime Branch,
Ariyalur District.
(Crime No.4 of 2014)

2. V.Krishnamoorthy

.. Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to Crime No.4 of 2015 on the file of the 1st respondent and quash the same.

For Petitioner : M/s.T.Muruganantham

For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This Petition has been filed by the petitioner/2nd accused in Cr.No.4 of 2014 on the file of the respondent to quash the same.

2.It is submitted by the learned counsel for the petitioner that reading of the complaint given by the second respondent would reveal that the offence was committed only by the first accused and the petitioner who is the wife of the first petitioner has nothing to do with the offence alleged have been committed and therefore, the case which has been registered has to be quashed. He also submitted that in respect of some incident, the defacto complaint/ second respondent initiated proceedings under Section 138 of N.I.Act in C.C.No.79 of 2009 against the first accused and in the statutory notice issued by the defacto complainant/second respondent to the petitioner's husband, he made allegations only against the first accused and no allegations were made against the second respondent and therefore, the charge is liable to be quashed.

3. I am unable to accept the contention of the learned counsel for the petitioner. The reading of the FIR given by the defacto

complainant/second respondent reveals that the second respondent collected money from his relatives and handed over to the petitioner and her husband for sending abroad the relatives of the defacto complainant and they were brought to the airport and they were given visa and 11 persons were not sent and on enquiry they found the visa was forged one. The defacto complainant has given Rs.20 Lakhs to the petitioner and her husband and they cheated the defacto complainant and also threatened him with the above cash demanded and therefore, the case has been registered. Whether the petitioner received money from the defacto complainant or not have to be decided only by the enquiry and I find no reason to quash the FIR. Hence the petition is dismissed.

kkd

-s/d-

Assistant Registrar()

Dt:1/4/2015

True Copy

Sub-Assistant Registrar

To

The Inspector of Police,
District Crime Branch,
Ariyalur District

+ 1 cc to Mr.T.Muruganantham, Advocate SR 16516

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Cr1.O.P.No.2313 of 2015

सत्यमेव जयते

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