

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.6604 of 2015 and
M.P.No.1 of 2015

T.Malaiyappan

.. Petitioner/Accused

Vs

1.The State Rep. By its
The Inspector of Police,
District Crime Branch,
Dharmapuri District,
Crime No.39 of 2013.

2.S.Srikanth

.. Respondents/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records connected with the case in C.C.No.366 of 2013 on the file of the learned Judicial Magistrate, Harur and quash the same.

For Petitioner :Mr.R.Sankarasubbu for
Mr.G.J.Bhaskar

For R.1 :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking to quash the case in C.C.No.366 of 2013 on the file of the learned Judicial Magistrate, Harur, the petitioner/accused has come up with this petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3.It is seen that the petitioner/accused is working in the office of the Block Development Officer and he is also running an Institute in the name and style of "Ellora Coaching Centre". The petitioner promised poor village students that he will help them in writing the Teachers Eligibility Test by enrolling their names in sequence, enabling them to sit and write the said examination in the same room. He further promised to help them on the examination date, by disclosing the answers. On such representation made by the petitioner/accused, the defacto complainant who is the second

respondent herein, gave Rs.20,000/- as advance to get the job as Teacher. However, the petitioner/accused did not help the defacto complainant/ second respondent. Therefore, the present complaint has been lodged against him.

4.The learned counsel for the petitioner submits that the matter has been compromised between the petitioner and the defacto complainant and hence, the said case in C.C.No.366 of 2013 may be quashed by this Court.

5.It is true that in many matters, the Hon'ble Apex Court has held that in a case of cheating, if the parties have come to a compromise, then, the Court should be liberal in quashing the calender case. But, in the same judgements, the Hon'ble Apex Court has held that even in the matter of compromise reached between the parties in cheating cases, the High Court should not exercise its powers under Section 482 Cr.P.C. very freely and it should be exercised only by taking into consideration the facts and circumstances of the case.

6.In this case, though both the petitioner/accused and the defacto complainant have compromised the matter between themselves, I am not inclined to quash the said case in C.C.No.366 of 2013 simply on the ground that the petitioner despite working in the office of the Block Development Officer, is also running the Institute known as "Ellora Coaching Centre" and further by promising to get Teacher job from the Government has cheated poor village students, by collecting money from them, who have paid the said money by selling small piece of lands belonging to their families.

7.The learned counsel for the petitioner submitted that the petitioner has been exonerated from the Departmental enquiry proceedings. Though, it may be true that the petitioner has been exonerated from the departmental proceedings, that will not be a substantive evidence to quash the criminal case. Further, the said enquiry report will not have any barring in the criminal trial.

8.In view of all the above, the Criminal Original Petition is dismissed with a direction to the trial Court to proceed further with the trial of the case in C.C.No.366 of 2013 and dispose of the same in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

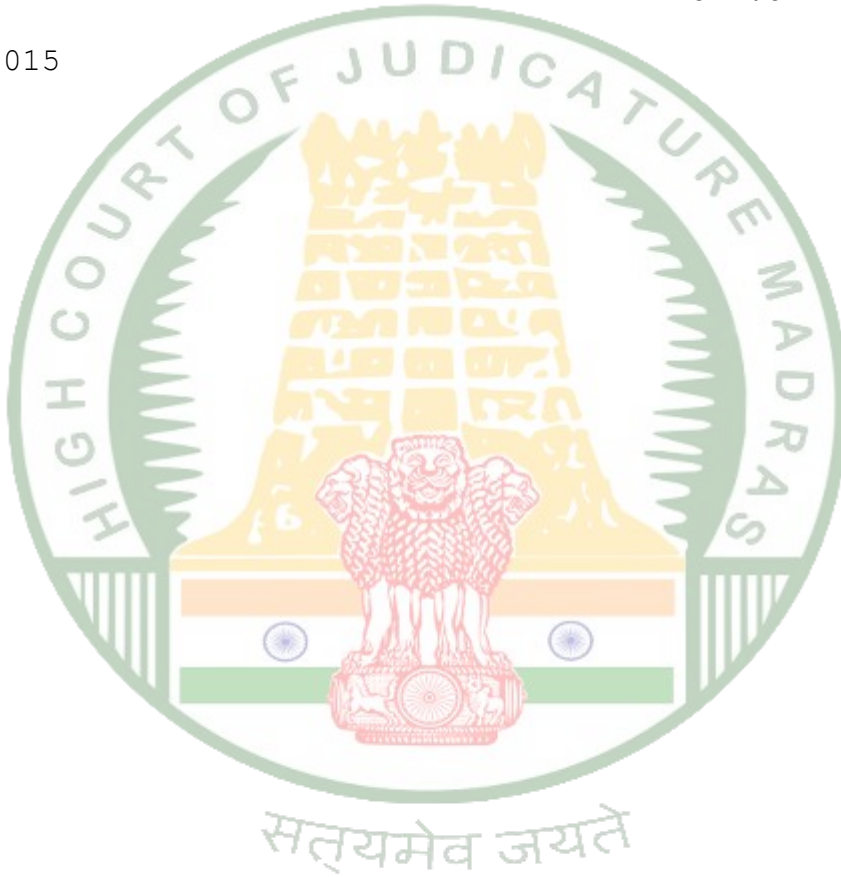
To

1.The Inspector of Police,
District Crime Branch,
Dharmapuri District.

2.The Public Prosecutor,
High Court, Madras.

Crl.OP No.6604 of 2015

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