

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.22299 of 2016

and

CrI.MP Nos.10368 & 10369 of 2016

Mrs.Jasmine Rani

...Petitioner

Vs.

State represented by
The Inspector of Police,
CCB 8th Team
Chennai-7.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records relating to the charge sheet in respect of the petitioner in C.C.NO.4079 of 2014 on the file of XI Metropolitan Magistrate, Saidapet and quash the same.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondent : Mr.C. Emalias
Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed to call for the records relating to the charge sheet in respect of the petitioner in C.C.NO.4079 of 2014 on the file of the XI Metropolitan Magistrate, Saidapet and quash the same.

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

3. On the complaint given by one Gokulakrishnan, the respondent police registered a case in Crime No.137 of 2013 and after completing the investigation, filed a final report in C.C.No.4079 of 2014 under Section 420 r/w 34 IPC against Andrews Hasaria and his wife Jasmine Rani, challenging which, Jasmine Rani is before this Court.

4. It is the case of the prosecution that the accused were running Elshaday Production Consultancy somewhere in Mambalam, Chennai and had collected huge sums of money from various persons

promising to get job in Singapore and thereafter, cheated them.

5. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and it was her husband Andrews Hasaria who was maintaining the affairs and that Andrews Hasaria has absconded.

6. Per contra, learned Additional Public Prosecutor submitted that both the petitioner and her husband were running the business and in fact Jasmine Mary herself has given certain cheques to the victims which have been dishonoured.

7. Learned counsel appearing for the petitioner submitted that as a dutiful wife, she had only given those cheques to help the victims, and that cannot be a ground for the police to prosecute her for an offence under Section 420 IPC and that there should be deception at the inception.

8. This Court gave its anxious consideration to the rival submissions.

9. It is reported that after the charges were framed, the matter was posted for examination of witnesses by the trial Court on 30.09.2016 and on that day Andrews Hasaria had deliberately absconded, pursuant to which non-bailable warrant has been issued.

10. On a reading of the statements of the witnesses, it cannot be stated that there are no materials against Jasmine Mary. Disputed questions of fact cannot be gone into in a quash petition under Section 482 Cr.P.C.

11. The respondent police is directed to register a fresh FIR against Andrews Hasaria for an offence under Section 229-A IPC which is cognizable and non bailable. Steps may also be taken to arrest and secure him.

12. It is submitted that Andrews Hasaria is in abroad. The police is directed to intimate to the immigration officer to issue look out circular.

With the above directions, this petition is dismissed with liberty to the petitioner to raise all points before the trial Court. Consequently, connected miscellaneous petitions are closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

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To

1. Metropolitan Magistrate No.XI, Saidapet

2. The Inspector of Police,
CCB 8th Team, Chennai-7.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to K.M.SUBRAMANIAM Advocate SR.NO. 61276

Cr1.O.P.No.22299 of 2016

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