

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.25243 of 2012 & M.P. No.1 of 2012

V. Muthukumar

... Petitioner/Accused 1

Vs.

1 State represented by  
The Inspector of Police  
Central Crime Branch, 8<sup>th</sup> Team  
Egmore, Chennai - 8  
(Crime No.257 of 2012)

2 Mr. D. Jai Sankar, I.A. & A.S.  
Protector General of Emigrants  
Ministry of Overseas Indian Affairs  
New Delhi

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the FIR in Crime No.257 of 2012 on the file of the respondent and quash the same.

For petitioner Mr. G. Vijayaraghavan-No appearance

For R1

Mr. C. Emalias  
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the FIR in Crime No.257 of 2012 on the file of the respondent and quash the same.

2 This petition is of the year 2012. When this matter came up for hearing on 15.06.2016, it was directed to be listed today at 2.15 p.m. for orders. Today, when the matter is taken up for hearing, there is no representation for the petitioner on account of boycott. However, in Harish Uppal [Ex.Capt.] Vs Union of India reported in [2003] 2 SCC 45, the Supreme Court has held that boycott of Courts is illegal and therefore, this Court heard the learned Additional Public Prosecutor, perused the records, and passed the following order:

3 The First Information Report in this case has been registered pursuant to a written complaint given by D. Jai Sankar, I.A. & A.S., Protector of Emigrants, Chennai - 83, based on which, the respondent police have registered a case in Crime No.257 of 2012 on 30.04.2012 against the petitioner herein for an offence under Section 420 IPC and Section 24 (1)(c) and (e) of the Emigration Act, 1983.

4 It is seen that the petitioner is the Proprietor of I.M.K.Human Resources Services, which is registered with the Emigration authorities and authorised to recruit workers for sending them abroad for overseas employment.

5 In the First Information Report, it is stated as follows:

" . . . . for 59 workers (as per Annexure) from the undersigned between 23<sup>rd</sup> April to 27<sup>th</sup> April, 2012 for company the foreign employers namely M/s. Blue Bay Trading and Contracting Will Qatar. As part of the clearance they submitted online visa copies re/prted; u ossied nu quarter Government under the sponsor name of M/s. Blue Bay Trading and Contracting Will Qatar for all the 55 workers above with a visa type (work visa) for the job of Mechanical fitters. A surprise check of genuiness and validity of these visa by undersigned in the website and Qutar Government (WWE-moi-ger-qa) onh 28.04.2012 revealed that the copies submitted were forged and the visa were originally issued for the company Mps MAKILOT KEPPEL OFFSHORE MARINE SERVICES QATAR with visa type of Business visit availed for one month for job category (others) which is different from the one's which was submitted by the agency for clearance. The above constitutes an offence under Section 24(1)(c) and (e) A search operation conducted in the office premises of above agency revealed that the agency had actually issued of the contracts to the workers for work in M/s. Blue bay Trading Contracting Will Qatar and issued the Visa copies for work in M/s.Naakilot Keppeal Offshore Marine Service and Qatar and the workers were thus cheated of the actual company for which they are deployed. The Proprietor of the agency Mr. V. Muthukumaran and other staff viz., Mr. Lakshmanan, S/o Kandaswamy, aged 41 years, Mr. John Arokiyadas, S/o Gnanamuthu aged 26 years were detained and handed over to the Inspector of Police, Central Crime Branch, Egmore for further inquiry and for filing FIR under Section 24(1)(i)(c) & (e) of an Emigration Act, 1983 and under Section 420 of IPC under intimation to this office. . . . "

6 The petitioner obtained emigration clearance for 59 workers with forged documents. On a reading of the First Information Report, it is seen that there are sufficient materials for the investigation to proceed further and it cannot be quashed in the light of the law laid down by the Supreme Court in State of Haryana vs. Bhajan Lal, [1992 Supp. (1) SCC 335].

Hence, this Criminal Original Petition is dismissed with a direction to the respondent police to complete the investigation in Crime No.257 of 2012 expeditiously. Connected CrI.M.P. is closed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1 The Inspector of Police,  
Central Crime Branch, 8<sup>th</sup> Team,  
Egmore, Chennai - 8,  
(Crime No.257 of 2012).

2 The Public Prosecutor,  
Madras High Court,  
Chennai 600 104.

सत्यमेव जयते

CrI.O.P.No.25243 of 2012

Rv[co]  
srg 23/07/2016

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