

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.5135 of 2012

and

M.P.No.1 of 2012

R.Shankar
S/o.Raju

..Petitioner

Vs.

1.State represented by
Sub-Inspector of Police,
Central Crime Branch,
Egmore, Chennai - 8.
X.Cr.No.1024 of 1996

2.Duraibabu

.. Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for records and quash the proceedings in C.C.No.8038 of 2001 on the file of learned Chief Metropolitan Magistrate, Egmore, Chennai, as far as the petitioner is concerned.

For Petitioner : Mr.S.Ramachandran

For Respondents : Mr.M.Mohammed Riyaz,
Government Advocate [Crl.side][R1]

ORDER

Petitioner seeks quash of proceedings in C.C.No.8038 of 2001 on the file of learned Chief Metropolitan Magistrate, Egmore, Chennai, insofar as petitioner is concerned.

2. Prosecution case is that on seeing an advertisement informing of one Bharathi Gems & Jewels situated at No.769, Anna Salai, Chennai, inviting deposits which would be repaid with 30% interest and 6% incentive along with certain prizes and gifts, second respondent/complainant, on 21.10.1995, contacted accused and deposited a sum of Rs.20,000/- each in the name of her two daughters for a period of one year. The accusation is that after the prescribed period, accused defaulted in repayment as also threatened second respondent/complainant with dire consequences. A case was registered in X.Crime No.1024 of 1996 on the file of first respondent for offences u/s.409, 420 r/w 120(b), 506 (ii) IPC and sections 3, 4, 5 and 6 of Prize Chits Money Circulation Scheme (Banning) Act, 1978. Upon completion of investigation and filing of charge sheet, the case was taken on file in C.C.No.8038 of 2001 on the file of learned Chief Metropolitan Magistrate, Egmore, Chennai.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side] for State/first respondent.

4. Petitioner is arrayed as A6. From the records, it is clear that at the time of offending transactions, petitioner was merely a salesman between 1998 and 2002 and it was only thereafter that he was promoted as Manager. Therefore, he cannot be held liable for wrong doings relating to the concern during the period when he was merely a sales person.

The Criminal Original Petition shall stand allowed. Proceedings in C.C.No.8038 of 2001 on the file of learned Chief Metropolitan Magistrate, Egmore, Chennai, shall stand quashed insofar as petitioner is concerned. Petitioner is discharged from the case. Connected miscellaneous petition is closed.

28.03.2017

Index:yes/no
Internet:yes/no
gm

To

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

2.The Sub-Inspector of Police,
Central Crime Branch,
Egmore, Chennai - 8.

3.The Public Prosecutor,
High Court, Madras.

C.T.SELVAM, J

gm



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