

IN THE HIGH COURT OF JUDICATURE AT MADRAS**RESERVED ON : 07.08.2017****PRONOUNCED ON : 17 .08.2017****CORAM****THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

Crl.OP No.25751 of 2012
and
M.P.Nos.1 and 2 of 2012

Gokila

.. Petitioner

..Vs..

1.The State rep.by Sub Inspector of Police,
 City Crime Branch,
 Coimbatore.

2. S.Sivaraj

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.323 of 2010 on the file of Judicial Magistrate No.5, Coimbatore pending disposal of the above Criminal Original Petition.

For Petitioner :Mr.J.Pothiraj

For R1 :Mr.Ramesh Babu,
 Govt.Advocate (Crl.side)

For R2 :No appearance (notice served)

ORDER

It is the case of job rocketing to get the employment in the Indian Bank.

2. This Criminal Original Petition has been filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.323 of 2010 on the file of Judicial

Magistrate No.5, Coimbatore.

3. The second accused is the petitioner herein. The 2nd respondent lodged the complaint before the 1st respondent against the petitioner's husband for the alleged offences under Section 468, 471 and 420 of I.P.C. The said complaint was lodged on 19.03.2009 in Crime No.38 of 2009. In the said complaint, the 2nd respondent had categorically stated that for the purpose of availing a job in Indian Bank, the 2nd respondent paid a sum of Rs.15,000/- and also further sums of Rs.5,400/- and Rs.6,700/- to the petitioner's husband.

4. Based on the said complaint, the complaint was registered against the petitioner's husband, namely Kanthraj. In the said complaint, there was no allegation against the petitioner herein. Based on the said complaint, the 1st respondent commenced the investigation and now a charge sheet is laid before the Judicial Magistrate No.5, Coimbatore. In the charge sheet, however, the petitioner is included as second accused without there being any material evidence and statements recorded against the petitioner. The marriage between the said Kanthraj and the petitioner was an arranged marriage. The other persons who had lost money, namely, Chithra and Rajesh have also not indicated the petitioner's role and stated that the said money was handed over to Kantharaj in a different place, to which the petitioner is

not at all connected.

5. The learned counsel for the petitioner has submitted that the petitioner is an innocent housewife and she was given in marriage to Kanthraj only through a broker and the marriage was solemnised only ten months back. The petitioner was residing along with her husband in her father's home. Therefore, her husband Kanthraj was only recently known to the petitioner's family and the activities of the petitioner's husband came to light only after lodging of the above said complaint. The offences mentioned in the charge sheet are not made out against the petitioner and the petitioner, who is an innocent housewife, has been unnecessarily roped in by the investigating authority. Therefore, applying the principles laid down by the Apex Court in Bhajanlal's case (State of Haryana and others Vs. Bhajanlal & others) reported in 1992 Suppl (1) SCC 335. It is just and necessary for this Court to interfere under Section 482 of Cr.P.C by quashing the charge sheet. It is submitted that the Hon'ble Apex Court and the Hon'ble High Court have repeatedly passed several judgments that on the face of it, if the offences are not made out after a complete investigation, the Court should interfere and exercise its power under Section 482 Cr.P.C and the present case clearly falls within the purview of the above principle for exercising the power of this Court under Section 482 Cr.P.C. In any event, the charge sheet laid in the above mentioned C.C is liable to be quashed by this Court.

6. Heard both sides and perused the records.

7. On a perusal of Section 161(3) Cr.P.C. statement filed along with the final report before the learned Judicial Magistrate No.V, Coimbatore. It is seen that L.W.1 S.Sivaraj has set the criminal law in motion by alleging that the accused had promised him to get a job in the Indian Bank and obtained various amounts on different dates. Subsequently, he has received communication from the Indian Bank that he was given an allotment of a post in the Indian Bank, Singanallur Branch and when he enquired with the Indian Bank, it came to light that he was cheated by a forged document and he gave a complaint. After investigation, the husband of the petitioner herein was arrested and after investigation, charge sheet has been laid and taken on file as C.C.No.323 of 2010 by the learned Judicial Magistrate – V, Coimbatore.

8. On a perusal of the statement of K.Rajesh, S/o.Krishnan and G.Chithra, W/o. Gopalan, it is seen that a similar promise has been made by the first accused to get a job/employment in the Indian Bank and he has collected money along with the second accused and thereafter, they forged a document as if an appointment order is issued by the Indian Bank which subsequently found to be a bogus letter. The witnesses Bommi and Palani have given a statement that at the instance of the accused, he has downloaded logo of the Indian Bank and handed over the same to the accused. It is the case of job rocketing to get the employment in the Indian Bank.

9. On a perusal of the statement of the witnesses Thirunavukarasu and Sasikumar, it is seen that they have given a statement regarding ordering of bogus seal of the Indian Bank and also typing of the alleged forged appointment letter of the Indian Bank for these persons. There is a specific allegation against this petitioner who is the wife of A1.

10. From the complaint, it is clear that these accused stood charged under Sections 120-B, 468, 471, 473 & 420 of I.P.C. Based upon the statement of witnesses, the first respondent-Police have filed a FIR, alleging that the petitioner dishonestly introduced witnesses and forged job order and collected the money. From the witnesses and the statements given by Thirunavukarasu and Sasikumar which are to the effect that the petitioner accompanied the first accused Kanthraj at the time of taking rubber stamp and also at the time of typing the appointment order and considering the above said statement of witnesses, this Court is of the considered view that there is sufficient material available on record to presume that this accused also has committed the alleged offences as stated in the FIR and the veracity of the aforesaid statements have to be decided only at the time of trial and not before this Court.

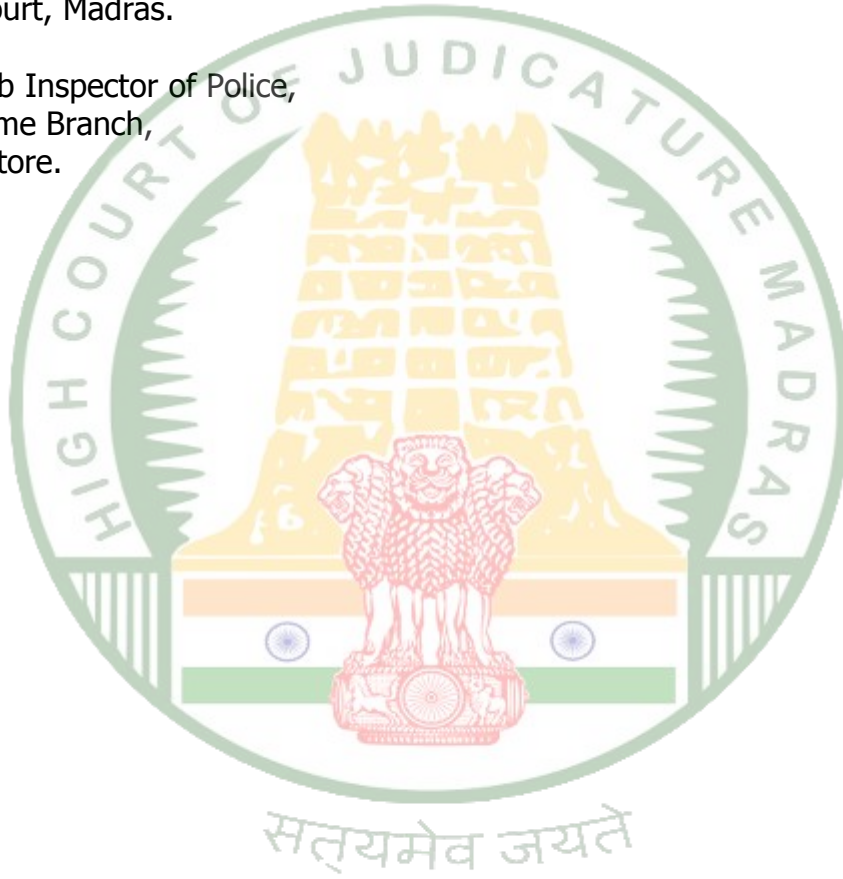
11. In the above view of the matter, I do not see any merit in this case and this Criminal Original Petition is accordingly dismissed. Consequently, connected Miscellaneous Petitions are closed.

17.08.2017

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To

- 1.The Judicial Magistrate No.5, Coimbatore
2. The Public Prosecutor,
High Court, Madras.
3. The Sub Inspector of Police,
City Crime Branch,
Coimbatore.



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RMT.TEEKAA RAMAN,J.,

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Pre-delivery Judgment in
CrI.OP No.25751 of 2012

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