



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2017

CORAM :

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP (MD) No.7069 of 2015
and
MP (MD) No.1 and 2 of 2015

Jegadeeshan

: Petitioner/Accused No.2

Vs.

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

2. Ravikumar
3. Mohan
4. R.Veeramalai
5. G.Nalluchamy
6. S.Thangamani
7. C.Kasthuri
8. G.Rajendran
9. M.Sivagami
10. R.Malathi
11. T.Shanmugam
12. C.Palanichamy
13. R.Subramani
14. V.Sivasubramanian
15. Susila
16. Gunachekaran
17. R.Karthigeyan
18. K.Selvarani
19. S.A.Mohamed Ibrahim

: Respondents

(R3 to R18 are impleaded as per the order of this Hon'ble Court dated 24.07.2015 and made in M.P.(MD) No.3 of 2015 in Crl.O.P.(MD) No.7069)

(R19 impleaded as per order of this Hon'ble Court made in Crl.M.P.(MD) No.11230 of 2016 in Crl.O.P.(MD) No.7069 of 2015, dated 28.11.2016)

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to C.C.No.64 of 2015 on the file of the Judicial Magistrate No.II,



Kulithalai and quash the same with regard to petitioner.

For Petitioner : Mr.V.Illanchezian
For R1 : Mr.K.Anbarasan,
Government Advocate(Crl.Side).
For R2 : Mr.N.Madhavagovindan
For R3 to R 18 : Mr.R.Alagumani
For R 19 : Mr.C.Dhanaseelan

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O R D E R

This Criminal Original Petition is filed for quashing the Criminal Case in C.C. No.64 of of 2015 on the file of the Judicial Magistrate No.II, Kulithalai.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate(Criminal side) appearing for the first respondent and the learned counsel appearing for the respondents 2 to 19.

3. The petitioner admitted that he was an accused in the complaint wherein it is alleged that the petitioner also received certain amounts as part of the chit transaction. The first respondent received the complaint and registered the case in Crime No.20 of 2014 for the offences punishable under Sections 420 and 506 (ii) of I.P.C. It is also admitted that the first respondent after investigation laid the charge sheet and the same was taken on file in C.C. No.64 of 2015, on the file of the Judicial Magistrate No.II, Kulithalai.

4. The allegations against the petitioner in the Charge Sheet is that the petitioner and the fifth accused had acted as agents to the first accused in collecting the chit amount and that therefore, they are also involved. Based on the first information and the investigation, the fact that the petitioner also has handled the money as agent of the first accused who was conducting the chit as foreman is evident.

5.The grievance of the petitioner in this case as argued by the learned counsel for the petitioner are as follows:

5.1.The de-facto complainant gave a complaint originally on 05.04.2014. In the first complaint what was alleged is about the non-payment of a sum of Rs.4,00,000/- (Rupees Four lakh only) to the de-facto complainant by the foreman who is doing the business of chit in running the chit fund. It was stated that only in the second complaint there were reference to the money which is due from the foreman of the chit company to several other persons. Even in the second complaint dated 19.06.2014, the petitioner stated that his name was not found. Therefore, it was stated that the complaint that was registered on 17.09.2014 is a false complaint.



6. Having a regard to the nature of information collected by the de-facto complainant, the first complaint was bereft of various particulars. Except stating that the first accused did not pay the money collected from the subscribers, there is no information. In the second complaint, there was reference to various persons to whom the first accused has not returned the money collected from them by way of subscription. It is quite natural that the de-facto complainant made his version based on additional information which he had before registering the complaint, the same cannot be a reason to quash the Criminal case especially, when the Charge Sheet also has been filed. The involvement of the petitioner is a matter of evidence and it is too early to come to the conclusion that the petitioner cannot be prosecuted. In the said circumstances, this petition is dismissed.

7. The learned counsel for the petitioner submitted that the presence of the petitioner may be dispensed with. Having regard to the fact that the petitioner is only the second accused and he was only the agent of the main accused, this Court is inclined to dispense with the presence of the petitioner, however, subject to the rider that it is open to the Court concerned to insist the presence of the petitioner if it is required. Consequently, connected M.P. (MD) Nos. 1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch,
Karur District, Karur.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr. C. DHANASEELAN, ADVOCATE IN SR No. 70288
+ 1 CC TO Mr. N. MADHAVAGOVINDAN, ADVOCATE IN SR No. 69915
+ 1 CC TO Mr. V. ILLANCHEZIAN, ADVOCATE IN SR No. 69907

DSS/SRM

TE/GT/SAR-II : 16/08/2017 : 3P/6C