



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.04.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.4213 of 2017
and
Crl.M.P. (MD) No.3041 of 2017

C.Ramesh Kumar : Petitioner/Accused No.5

Vs.

1.State Represented by,
The Inspector of Police,
EOW II Nagercoil,
Crime No.1 of 2016,
Kanyakumari District.

:1st Respondent/Complainant

2.A.Kamala

:2nd Respondents/Defacto
Complainant

Prayer:Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to admit this quash petition on file, to call for the records in Cr.No.1 of 2016, on the file of the Inspector of Police, EOW II, Nagercoil, Kanyakumari District and to quash the same as against this petitioner alone.

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel,
For Mr.K.Prabhu

For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the second respondent, the first respondent has registered a case in Crime No.1 of 2016 on 12.04.2016 under Sections 406, 420, 120(b) of the Indian Penal Code and Section 5 of the TNPID Act against seven accused, challenging which, Ramesh Kumar (A-5) is before this Court.

2. Heard Mr.V.Kathirvelu, learned Senior Counsel appearing for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Criminal side) appearing for the first respondent. Mr.S.Thankar, Special Sub-Inspector of Police, EOW II, Nagercoil, Kanyakumari District, is present in Court.



3. On a reading of the First Information Report, it is alleged by the *defacto* complainant that the accused were running Rajakkamangalam Benefit Fund Limited in Kanyakumari District and that they lured the *defacto* complainant into depositing money in the said Financial Establishment and thereafter, when the amount matured, they have not paid the money. Hence, the First Information Report.

4. Mr.V.Kathirvelu, learned Senior Counsel for the petitioner submitted that even on a reading of the First Information Report, the *defacto* complainant herself has stated that it was A-1 and A-3 who had signed in the fixed deposit bond and she has also further stated that the petitioner had resigned from the said Company as early as in the year 2003, but, whereas, the deposit has been only in the year 2009. That apart, Mr.V.Kathirvelu, learned Senior Counsel brought to the notice of this Court that Rajakkamangalam Benefit Fund Limited is a Company incorporated under the Indian Companies Act and that Ramesh Kumar (A-5) has resigned from the directorship of the said Company as early as in the year 2003 and that his name does not figure in the list of persons, who were in-charge of the said Financial Establishment.

5. Per contra, Mr.K.Anbarasan, learned Government Advocate (Criminal side) refuted the allegations.

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

7. There appears to be sufficient force in the submissions of Mr.V.Kathirvelu, learned Senior Counsel for the petitioner that the *defacto* complainant herself in the complaint has stated that Ramesh Kumar has resigned from the Financial Establishment in the year 2003, but, she has given a small rider by saying that even after his resignation, he continued to be managing the affairs of the Financial Establishment. This requires a thorough investigation by the police and, therefore, the First Information Report cannot be quashed at this juncture.

8. It is also seen that the petitioner has been granted anticipatory bail by the Court and, therefore, he need not fear any arrest as of now.

9. Under such circumstances, this quash application is closed with a direction to the respondent police to thoroughly investigate the allegations against the petitioner and during the investigation, if it is found that the petitioner had nothing to do with the alleged offences, it is needless to state that the prosecution against the petitioner shall be dropped.



Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (C)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
EOW II Nagercoil,
Crime No.1 of 2016,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Prabhu,Advocate,SR.51551

CRL.O.P. (MD) No. 4213 of 2017
11.04.2017

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