



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Cr1.O.P.(MD) No.22517 of 2016
and
Cr1.M.P(MD)No.11738 of 2016

1.Y.Lilun Nihar
2.M.Sithik Basha Mukamud : Petitioners/A2 and A3

-vs-

State Represented by
Inspector of Police,
Economic Offence Wing-II,
Madurai. : Respondent/Complainant

2.Jothi Murugan : Respondents/
Defacto Complainants

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the First Information Report in connection with Crime No.8 of 2016 on the file of the 1st respondent herein.

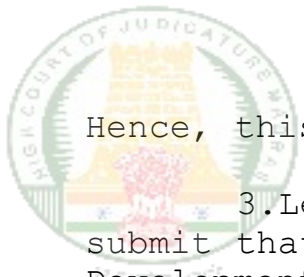
For Petitioners : Mr.N.Mohideen Basha

For 1st Respondent : Mr.B.Pugalendhi
Learned Additional
Advocate General
assisted by Mr.K.Anbarasan
Government Advocate
(Criminal side)

O R D E R

This petition has been filed to call for the records and to quash the First Information Report in connection with Crime No.8 of 2016 on the file of the 1st respondent.

2.The de-facto complainant has lodged a complaint before the 1st respondent police stating that he and his relatives and friends deposited a sum of Rs.15,15,500/- with the Madurai Rural Development Company and a sum of Rs.3,20,000/- has been repaid on various occasions and when the de-facto complainant requested to return back the deposit, all the accused persons joined together and threatened the de-facto complainant with dire consequences.



Hence, this complaint.

3. Learned counsel appearing for the petitioners would submit that the petitioners are not Directors of the Madurai Rural Development Company, in which the de-facto complainant has deposited his money and that the petitioners were one among the Directors of the said company since 15.07.2009 and they have resigned their Directorship by way of resignation followed by the acceptance of the Board Meeting and the minutes held on 05.08.2013 and that other than the Madurai Rural Development Transformation India Limited, the petitioners have not involved in any other company and that the allegations made against the petitioners in the FIR, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the petitioners. Hence, he prayed that the FIR filed in Crime No.8 of 2016 has to be quashed.

4. Per contra, the learned Additional Advocate General appearing for the 1st respondent would submit that all the accused have the audacity to canvass the depositors to inter-change MRDT original bonds to various agencies such as AK-Kalai Capital Merchants and that during the course of investigation, it was found that the Directors of the MRDT Group of Companies are collecting the original documents from the depositors and they are given acknowledgement for the receipt of the original bond in the name of 'Rise India Reality Pvt Ltd, Chennai, which was incorporated in the year 2015 and the specific overt-act attributed against the petitioners is that they are the wife and brother of the prima master-mind of the entire scam Suresh Batcha and they have given instructions to the Agents to exchange MRDT Bond to cheat not only the general public, but also the judicial process commenced from the order passed by this court and that the disputed questions raised in this case have to be adjudicated during trial before the competent court and hence, he prayed for the dismissal of the quash petition.

5. Heard the learned counsel appearing for the petitioners and the learned Additional Advocate General appearing for the 1st respondent and perused the materials available on record.

6. It is seen from the records that FIR has been registered in Crime No.8 of 2016 against the accused persons under Sections 406, 420, 120(b) IPC and section 5 of TNPID Act and now, the case is in the preliminary stage.

7. In this case, the petitioners have been arrayed as A2 and A3. On reading of the complaint and the documents available on record, it is found that prima facie materials are available against the accused persons to presume that the the petitioners along with the other accused would have committed the alleged offences. Whether the evidences and the statements recorded by the



police is true or not is the question to be decided at the time of trial, after recording the evidence on both sides. Hence, the argument of the learned counsel for the petitioners that no incriminating materials are available against the petitioners and hence, the FIR filed against the petitioners has to be quashed, has no merit.

8. In this case, admittedly, investigation is pending in Crime No.8 of 2016 and there is also similar petition pending against the petitioners. Sufficient materials are available to proceed with the investigation in this case. Hence, the argument of the learned counsel for the petitioners that there are no materials available to proceed with the case and to quash the FIR is not at all acceptable and the above said argument is liable to be rejected.

9. In view of the above facts and circumstances, since there are prima facie materials available against the accused persons, the petition filed by the petitioners to quash the FIR is not at all maintainable in law. Further, there is no valid ground made to quash the FIR at this stage and hence, the criminal original petition is liable to be dismissed.

10. In the result, this criminal original petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Economic offences Wing-II,
Madurai.

2. The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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