

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11.07.2018
Pronounced on : 24.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.3669 of 2010
and
M.P.Nos.1 of 2010

1.P.Senthilvelan,
S/o.R.Poovalingam.

2.K.Rajarajan,
S/o.Kathirvel. Petitioners/Accused
Nos.12 & 13

Vs.

1.State rep. by
the Inspector of Police,
Central Crime Branch,
Salem City,
[Crime No.25 of 2007]. ... Respondent/
Complainant

2.Selvaraj,
S/o. Krishnaraj. ... Respondent/
Defacto-Complainant

PRAYER: Criminal Original Petition is filed under Section 482
of the Code of Criminal Procedure, to call for the records in
C.C.No.15 of 2009 before the learned Judicial Magistrate No.I,
Salem and quash the same.

For Petitioners: No appearance

For R1 : Mr.B.Arulmozhimaran
Government Advocate [Cr1. Side]

For R2 : Mr.T.R.Ravi

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O R D E R

This Criminal Original Petition has been filed to call
for the records in C.C.No.15 of 2009 before the learned
Judicial Magistrate No.I, Salem and quash the same.

2.No appearance for the petitioners. Hence, this Court proposed to proceed on the merits of the case as adjourning the case without any progress would serve no purpose.

3.The petitioners, who are the accused Nos.12 and 13 in C.C.No.15 of 2009 pending on the file of the Judicial Magistrate Court No.I, Salem, for the offences under Sections 120(b) and 420 of the Indian Penal Code have filed the above quash petition.

4.The contention of the petitioners is that the petitioners are no way connected with M/s.Sri Venki Provisions Marketing Private Limited and its Directors and they have not committed any offence as alleged by the first respondent and even, if the entire case of the prosecution is admitted to be true it will not attract any of the offences alleged against them and prayed to quash the case against them.

5.On the contrary, the learned Government Advocate appearing for the first respondent submits that these accused along with 12 other accused have exploited gullible persons in the name of paying dividend and collected amount and thereby lured the general public at large and had cheated many persons from various part of the State for several lakhs.

6.The petitioners herein are the Committee members of M/s.Sri Venki Provisions Marketing Private Limited, who have actively participated in the day-to-day affairs and lured the general public for M/s.Sri Venki Provisions Marketing Private Limited and they have attended the Salem branch meeting canvassed the public to make deposit. Believing their representation several deposits have been made, the witnesses who are the victims to the cheating of the accused have spoken to this fact. Hence, after thorough investigation charge sheet has been filed.

7.It was brought to the notice of this Court that some of the accused namely A2 had filed CrI.O.P.No.18208 of 2010 and A8, A9 and A11 had filed CrI.O.P.No.15457 of 2010 seeking to quash the case against them in C.C.No.15 of 2009. Both the cases were dismissed by this Court on 14.03.2017 and 23.03.2017 for non-prosecution. In the above case also none appeared on behalf of the petitioners.

8.It is submitted by the learned Government Advocate that the design of the accused in C.C.No.15 of 2009 is to drag on the proceedings before the Trial Court by filing the petitions one after other and citing the same before the Trial Court and stalling the trial successfully from the year 2009 onwards. In view of the above, the Criminal Original Petition filed by the petitioners/accused Nos.12 and 13 does not merit consideration and is dismissal, both on facts and in law.

9.Hence, this Criminal Original Petition stands dismissed and the Trial Court is directed to conclude the trial within a period of six months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
Salem.

2.The Inspector of Police,
Central Crime Branch,
Salem City,
[Crime No.25 of 2007].

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.T.R.Ravi, advocate,sr.65701.

GjII(co)
Krd 23/10

Cr1.O.P.No.3669 of 2010



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