

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.15453 of 2018
and Crl.M.P.No.7865 of 2018

M/s.Aphro Trust,
Rep. by its Founder and President
I.P.Yesudoss .. Petitioner

Vs

1. The Superintendent of Police,
Head Quarters EOW-2,
No.C-48, Block-2,
Sidco Old Corporate Office Building,
Guindy, Chennai - 600 032.

2. S.Arumugam,
Sub-Inspector of Police,
Central Crime Branch, Team-1,
Commissioner of Police Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.

3.Radhika,
Deputy Commissioner of Police,
Central Crime Branch, Team-1,
Commissioner of Police Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.

4. Inspector of Police,
Kurinjipadi Police Station,
Reddiyar Colony,
Kurinjipadi, Cuddalore Dist.

5. The Regional Director of Tamilnadu,
Reserve Bank of India,
No.16, Rajaji Salai,
Fort Glacis, Chennai - 600 001.

6.Vasanthan,
Chief General Manager,
Reserve Bank of India,
No.16, Rajaji Salai,
Fort Glacis, Chennai - 600 001.

7. The Chief Editor,
Daily Thanthi,
No.86, EVK Sampath Road,
Vepery,
Chennai - 600 007.

8. The Chief Editor,
Junior Vikatan,
No.757, Anna Salai,
Chennai - 600 002.

9. The Commissioner of Police,
Commissioner of Police Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.

10. The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore, Chennai - 600 004.

11.S.Geetha

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for records pertaining to the 3rd FIR registered in CCB.CR.No.437/2012 on the file of the first respondent and quash the same.

For Petitioner : Mr.I.P.Yesudoss, Party-in-Person

For Respondents : Mr.Emalias, Public Prosecutor
(for R1 to R4, R9 & R10)

Assisted by Ms.Kritika Kamal.P.
Govt. Advocate [Crl. Side]

O R D E R

This petition has been filed to quash the FIR in CCB.Cr.No.437 of 2012 on the file of the 1st respondent and quash the same.

2.Heard the petitioner/party-in-person and the learned Public Prosecutor appearing for the respondents 1 to 4, 9 and 10 and perused the materials placed on record.

3.On the complaint lodged by Geetha, the respondent Police have registered a case in Crime No.437 of 2012 on 17.08.2012 under Section 406, 420 r/w 34 IPC against M/s.Aphro Trust, Prop. Mr.I.P.Yesudoss [A1] and Devi [A2]. Challenging which, this quash petition has been filed.

4.Mr.Yesudoss submitted that he was neither doing finance business nor micro finance business, but he was giving loans to his members which has been misconstrued, as if he had collected money from various persons and cheated them. He further contended that the Police have registered 9 FIRs against him for the same cause of action and therefore, undue prejudice has been caused to him, inasmuch as, he is unable to defend himself in all the cases.

5.Per contra, learned Public Prosecutor submitted that 9 FIRs registered against them were based on 9 complaints given by different persons hailing from different areas.

6.This issue has been settled by the Supreme Court in NARINDERJIT SINGH SAHNI AND ANOTHER Vs UNION OF INDIA AND OTHERS reported in [2002] 2 SCC 210, wherein, it is held as follows:

"... 60.As regards the issue of a single offence, we are afraid that the fact situation of the matters under consideration would not permit to lend any credence to such a submission. Each individual deposit agreement shall have to be treated as a separate and individual transaction brought about by the allurement of the financial companies, since the parties are different, the amount of deposit is different as also the period for which the deposit was effected. It has all the characteristics of independent transactions and we do not see any compelling reason to hold it otherwise. The plea as raised also cannot have our concurrence. ..."

7.Mr.Yesudoss submitted that he is ready and willing to settle with his members by repaying the amount, but that is not being permitted by the Police.

8.It is always open to him to repay the amount during trial and that can be a good circumstance for mitigation of the

sentence. In the light of the aforesaid judgment, the prayer of the petitioner cannot be acceded to. Hence, this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//
Sub Assistant Registrar

To

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2. Inspector of Police,
Kurinjpadi Police Station,
Reddiyar Colony,
Kurinjpadi, Cuddalore Dist.

3..The Commissioner of Police,
Commissioner of Police Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.

4.The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore, Chennai - 600 004.

5.The Public Prosecutor,
High Court, Madras.

VBA(CO)
GSP(01/08/2018)

सत्यमेव जयते

CRL.OP.No.15453 of 2018

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