

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.21761 of 2013
and M.P.Nos.1 and 2 of 2013

1.G.Radhakrishnan
2.K.Balakrishnan
3.M.Saravanan
4.M.Hema

.. Petitioners

.. Vs ..

Thiruvarasan

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to issue a direction calling for entire records connected with C.C.No.14 of 2013 on the file of learned Judicial Magistrate-I, Chidambaram and quash the same.

For Petitioners : Mr.K.Jayaraman

For Respondent : Mr.K.V.Sridharan

ORDER

The respondent filed a private complaint against the petitioners herein before the learned Judicial Magistrate No.I, Chidambaram. The learned Magistrate taken cognizance of the complaint in C.C.No.14 of 2013 and issued summons to the petitioners. The petitioners have been arrayed as A-1 to A-4 in the said C.C.No.14 of 2013. After receiving summons, the petitioners have challenged the C.C., by filing this petition invoking Section 482 of Cr.P.C., seeking to quash the complaint against them.

2. The learned counsel for the petitioners would submit that A-1 is doing business of sending Manpower to abroad. A-2 to A-4 are only friends of A-1. When the respondent's brother's son was sent to Singapore for welding work, with one month, the employer sent him back stating that there is no job opportunity for him. The respondent's brother's son came back to India. Therefore, the respondent requested the 1st petitioner to return the payment given by the respondent. It

is further submitted that the 1st petitioner also repaid Rs.1,60,000/- and as far as petitioners 2 to 4 are concerned, there is no allegation against them since the first petitioner only taken money for arranging job to the respondent's brother's son. The learned counsel submits that 1st petitioner alone is doing business of sending Manpower to abroad. A-2 to A-4 have nothing to do with the alleged offence. There is no allegation against the petitioners 2 to 4. Therefore, the complaint in C.C.No.14 of 2013 is liable to be quashed.

3. The learned counsel for the respondent would submit that even after ascertaining the facts that employment is not available in Singapore, the 1st petitioner received money and sent the respondent's brother's son to Singapore and he came back within one month as there was no job. After he came back to India, 1st petitioner was asked to repay the money. It is submitted that A-2 to A-4 are agents who collected money from various persons including the respondent herein and they failed to repay the money. Hence, the respondent herein filed complaint in C.C.No.14 of 2013 under Section 190 (1)(a) of Cr.P.C., before the Magistrate, seeking the relief stated therein, for the offence under Sections 120(b) and 420 of IPC.

4. Admittedly, A-1 sent one of the family members of the respondent/complainant to Singapore after obtaining money. When the said person went to Singapore, within one month, he came back as there was no job. Therefore, the respondent made a complaint. Paragraphs 2 and 3 of the complaint clearly narrates the allegations levelled against the petitioners herein and their involvement in the said offence. Therefore, there is prima facie case made against the petitioners herein. In such view of the matter, there is no ground to quash the complaint against the petitioners. Therefore, there is no merit in the CrI.O.P. Accordingly, this petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. Since the C.C., is of the year 2013, the learned Magistrate is directed to dispose of the complaint in C.C.No.14 of 2013 in accordance with law, after trial, within a period of three months from the date of receipt of a copy of this order and also file a compliance report before this court.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Judicial Magistrate No.I,
Chidambaram.

2.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.K.V.Sridharan, Advocate SR.106676

Cr1.O.P.No.21761 of 2013

VSNII (CO)
CB (31/01/2020)



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