

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2019

CORAM :

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2945 of 2019
and
Crl.M.P.Nos.1964 and 1965 of 2019

Mrs.S.K.Meenakshi

..Petitioner/Accused No.2

Vs.

1. State Rep. through
The Inspector of Police,
District Crime Branch,
Villupuram District.1st Respondent/Complainant

2. Mr.Natarajan
.....2nd Respondent/Defacto Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in CC.No.306 of 2018, now pending on the file of the Learned Judicial Magistrate Court No.I, Villupuram and quash the same.

For Petitioner : Mr.Praveen Alexander

For Respondents : Mr.T.Shunmugarajeswaran,
Govt. Advocate for R1

O R D E R

सत्यमेव जयते

This petition has been filed to quash the charge sheet filed by the first respondent in C.C.No.306 of 2018 before the learned Judicial Magistrate-I, Villupuram, for the offences under Sections 417, 420 and 406 of I.P.C. in Crime No.2 of 2016.

2.Heard Mr.Praveen Alexander, learned counsel appearing for the petitioner and Mr.T.Shunmugarajeswaran, learned counsel for the first respondent Police.

3.The Learned Counsel for the petitioner would submit that the petitioner was arrayed as 2nd accused. Even as per the complaint, the petitioner did not receive any amount from the defacto complainant for procuring jobs in the Transport as well as Education Departments. He further submitted that, according to the complaint, all the victims have paid money only to the 1st accused through bank transactions and no amount was received by this petitioner. Hence, the offences under Sections 417, 420 and 406 of I.P.C. would not attract as against this petitioner alleged by the prosecution. She is an aged lady and she is the mother-in-law of A1. There is absolutely no material produced by the prosecution to prove the charge as against the petitioner. The learned counsel for the petitioner further relied upon a judgment passed by the Andhra Pradesh High Court in the case of Syed Zaheer Pasha and 2 others Vs. The State of Andhra Pradesh.

4.It is seen, that there are totally three accused, in which the petitioner was arrayed as 2nd accused. According to the prosecution, the defacto complainant and few others have approached the 1st accused for employment in the Transport Department as well as the Education Department in the Government Offices for which the 1st accused demanded money from the defacto complainant and the defacto complainant have collected money from all the persons to the tune of Rs.64,64,000/- and handed over the same to the 1st accused. Insofar as this petitioner/A2 is concerned, the specific allegation is she received a sum of Rs.9,00,000/- from the defacto complainant, on a false promise to procure Government jobs. According to one Mr.Natarajan, the victim/defacto complainant is that, the petitioner only introduced the defacto complainant to A1 and thereby collected money for procuring the jobs.

5.on going through the judgment relied upon by the learned counsel for the petitioner, it is no way relevant to the present case on hand. It is clearly visible from the complaint that only this petitioner has introduced the defacto complainant to A1 and had collected the money and thereby cheated the defacto complainant and other persons. Therefore, this Court does not find any merits to quash the proceedings in C.C.No.306 of 2018, on the file of the learned Judicial Magistrate Court No.I, Villupuram.

6.However, considering the age of the petitioner, the personal appearance of the petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court

at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment.

7. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

rri/rm
To

1. The Judicial Magistrate I
Villupuram.
2. Do Through The Chief Judicial Magistrate
Villupuram.
3. The Inspector of Police,
District Crime Branch,
Villupuram District.
4. The Public Prosecutor,
High Court, Madras.

Copy to
The Section officer
Criminal Section, High Court, Madras 104.

+1 CC to M/s. Praveen Alexander, Advocate sr 9272

सत्यमेव जयते

Cr1.O.P.No.2945 of 2019
and

Cr1.M.P.Nos.1964 and 1965 of 2019

SP(06/02/2019)

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