

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.19109 of 2019

and

Crl.M.P Nos.9752 & 9753 of 2019

1.Dr.G.Jeyachandran

2.Mrs.Jeayasree

...Petitioners

.Vs.

1. The Inspector of Police,
DCB, Krishnagiri District.

2. Mr.Barkathulla

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pending in C.C.No.346/2019, on the file of the learned Judicial Magistrate Court No.II at Krishnagiri and quash the same.

For Petitioners : Mr.S.Sathyaraj

For R 1 : Mr.M.Mohamed Riyaz, APP

ORDER

This Criminal Original Petition has been filed challenging the proceedings pending in C.C.No.346 of 2019, on the file of the learned Judicial Magistrate No.II, Krishnagiri.

2.The case of the prosecution is that the accused persons have received money from the de facto complainant with a promise to pay a dividend at the rate of 10% every month. It was also represented to the depositors that the accused persons are running a Company named M/s.Jaya Anbu Capital Private Limited and this Company is involved in online transactions, and therefore they will be able to pay 10% dividend every month on the amount deposited by the de facto complainant and other depositors. The accused persons had received an amount of Rs.2,86,50,000/- from nearly 12 depositors.

3.Based on the Complaint given by the 2nd respondent, an FIR came to be registered by the respondent Police in

Cr.No.30/2013. On completion of the investigation, a Final Report has now been filed before the learned Judicial Magistrate No.II, Krishnagiri. There are totally six accused persons in this case and the petitioners are A-1 and A-2.

4.The learned counsel for the petitioners submitted that the petitioners are innocent and they are themselves victims in the hands of one Udayachandran. The learned counsel further submitted that various complaints have been filed in this regard by the depositors and one of the complaints reached the stage of Final Report and it is now pending trial in C.C.No.315 of 2016, before the learned Judicial Magistrate No.II, Dharmapuri. The learned counsel submitted that the petitioners are already facing trial in this case and multiple proceedings have been initiated and thereby Final Reports are filed in different Courts. Therefore, the learned counsel submitted that all these cases can be consolidated in one Court since in all these cases, the common grievance is that the amount was deposited and the same was not repaid back to the victims.

5.The learned Additional Public Prosecutor on instructions submitted that there are totally five complaints in this case. All these complaints have been registered and out of the five FIRs, two cases have reached the stage of trial in C.C.No.315 of 2016, on the file of the learned Judicial Magistrate No.II, Dharmapuri and C.C.No.346 of 2019, on the file of the learned Judicial Magistrate No.II, Krishnagiri. The other three cases which are at the stage of FIR is being investigated by the concerned Police. Cr.No.3 of 2015, is now pending investigation before the EOW, Salem. Cr.No.264 of 2013, is pending investigation before the Inspector of Police, Palacode Police Station. Cr.No.368 of 2017, is pending investigation before the Inspector of Police, Ammapet Police Station, Salem. The learned counsel submitted that the investigation in all these cases can be done by EOW, Salem, and a Final Report can be filed before the learned Judicial Magistrate No.II, Dharmapuri. The learned counsel further submitted that the proceedings in C.C.No.346 of 2019, which is now pending on the file of the learned Judicial Magistrate No.II, Krishnagiri can also be transferred to the file of the learned Judicial Magistrate No.II, Dharmapuri. By consolidating all these cases, multiplicity of proceedings can be avoided and it will be more convenient to the Police as well as the witnesses to attend the proceedings before the same Court.

6.This Court has carefully considered the submissions made on either side and the materials placed on record.

7.This Court is not inclined to interfere with the proceedings in C.C.No.346 of 2019, pending on the file of the learned Judicial Magistrate No.II, Krishnagiri. The grounds raised by the petitioners can be raised before the Court below and the Court below will consider the same on its own merits and in accordance with law.

8.This Criminal Original Petition is disposed of with the following directions:

[a] The proceedings in C.C.No.346 of 2019, pending on the file of the learned Judicial Magistrate No.II, Krishnagiri, is hereby withdrawn and transferred to the file of the learned Judicial Magistrate No.II, Dharmapuri.

[b] The FIR pending in Cr.No.264 of 2013 and Cr.No.368 of 2017 shall stand transferred to the file of the EOW, Salem. The EOW, Salem shall investigate all the three cases in Cr.Nos.3 of 2015, 264 of 2013 and 368 of 2017, and shall file a Final Report as expeditiously as possible, before the learned Judicial Magistrate No.II, Dharmapuri.

[c] The learned Judicial Magistrate No.II, Dharmapuri shall deal with each case independently in accordance with the materials collected in the Final Report and shall complete the trial as expeditiously as possible.

Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Inspector of Police,
All women Police Station,
Omalur,
Salem District.
2. The Inspector of Police,
Ammamet Police Station, Salem.
3. Sessions Judge,
Mahila Court, Salem.
4. The Judicial Magistrate No.II, Krishnagiri

5. The Judicial Magistrate No.II, Dharmapuri.

6. EOW (Economic Offices Wing)
Salem.

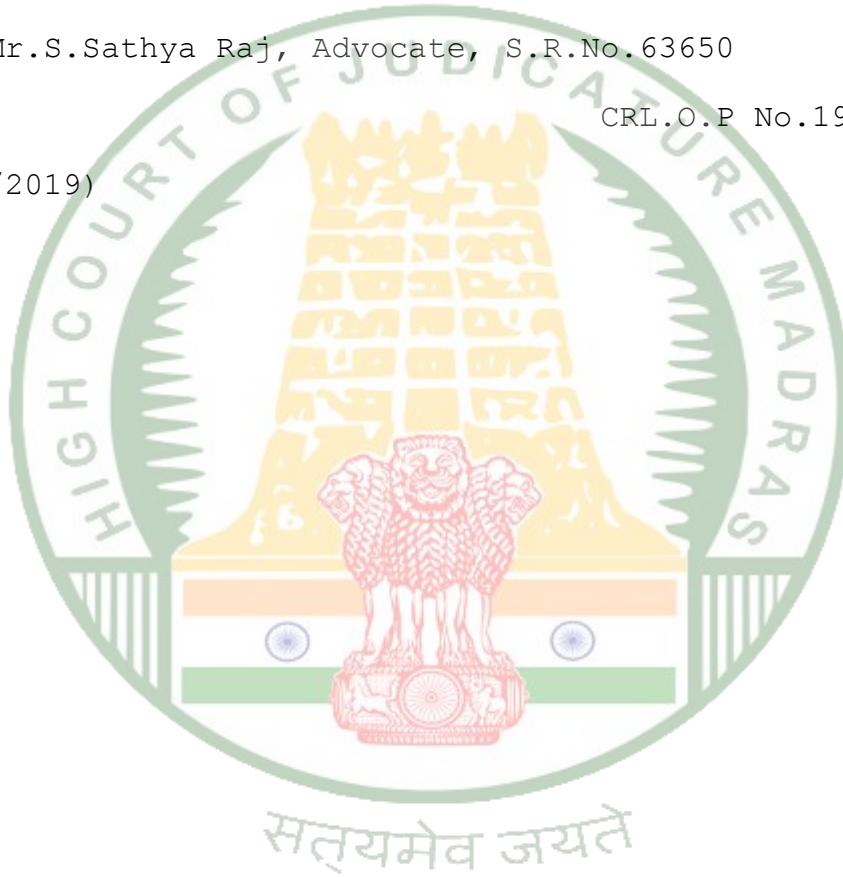
7. Public Prosecutor,
Madras High Court,
Chennai.

8. The Inspector of Police,
DCB, Krishnagiri District.

+1 cc to Mr.S.Sathya Raj, Advocate, S.R.No.63650

CRL.O.P No.19109 of 2019

SS(CO)
SSM(27/08/2019)



WEB COPY