



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.4629 of 2018

and

CrI.M.P. (MD) .No.2272 of 2018

WEB COPY

S.Ponnappan

... Petitioner/A1

Vs

1.The State represented by

The Inspector of Police,
Thallakulam Crime Police Station,
Madurai.

(Crime No.2132 of 2017) ... 1st Respondent/Complainant

2.U.K.Sakkaravarthi

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to Crime No.2132 of 2017, dated 14.11.2017, on the file of the first respondent, the Inspector of Police, Thallakulam Crime Police Station, Madurai and quash the same as against this petitioner.

For Petitioner

: Mr.M.Sheik Abdullah

For R-1

: Mr.K.Suyambulinga Bharathi

Government Advocate (Criminal side)

For R-2

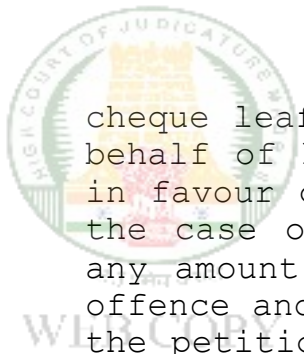
: No Appearance

O R D E R

This petition has been filed to quash the proceedings in Crime No.2132 of 2017, dated 14.11.2017, on the file of the first respondent Police.

2. According to the case of the prosecution, the petitioner along with two other accused have received Rs.3 lakhs each from three victims assuring that they obtain job in Public Works Department to the post of drivers and other related jobs. Thereafter, they could not arrange any post and they also refused to return the money. When the same was questioned by the victims, the third accused, being the wife of the petitioner/A1, threatened and with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner/Ponnappan, has borrowed a sum of Rs.3 lakhs. Thereafter, it was returned at the time of borrowal of loan, the second respondent obtained signature in the blank stamp papers and also



cheque leaf. Since the petitioner did not issue any cheque leaf on behalf of him, the second accused issued cheque to the said amount in favour of the *defacto complainant*. Therefore, even according to the case of the prosecution, the Accused Nos.2 & 3 never received any amount from the *defacto complainant* and he did not commit any offence and the entire complaint has been falsely implicated against the petitioner. Further, he submitted that the entire liability is civil in nature and Sections 406 and 420 of IPC are not attracted against the petitioner and therefore, he sought for quashment of the FIR.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) for the first respondent. Though notice was served to the second respondent, none appeared on behalf of the second respondent.

5. The learned Government Advocate (criminal side) would submit that it is the clear case of job racketing and all the accused persons, received a sum of Rs.3 lakhs from three victims and thereafter, they did not obtain any job to the victims and also refused to return the amount. Thereafter, all of them jointly assured the victims and also executed some documents and also assured to return the entire amount received by them. Therefore, the victims opposed, further more, almost the investigation is completed and about to file a final report.

6.Heard both sides.

7. There are totally three accused in this case. On the complaint lodged by the second respondent, the present case has been registered in Crime No.2132 of 2017. According to the case of the prosecution, the petitioner received a sum of Rs.3 lakhs each from three victims (Totally a sum of Rs.9,00,000/- (Rupees Nine Lakhs only). Thereafter, the charge was also refused as per the second accused is happened, who is the son of the petitioner and he issued a cheque on behalf of the father and also executed documents undertaking, return the amount received by the petitioner.

8. Considering the above facts, as far as the second petitioner/ third accused is concerned, the FIR cannot be sustained and is liable to be quashed. In so far as the first petitioner is concerned, this Criminal Original Petition is dismissed.

9.Accordingly, this Criminal Original Petition is partly allowed and the FIR in Crime No.2132 of 2017 on the file of the first respondent police, is hereby quashed as against the second petitioner/A3 alone is concerned.

10. In sofar as the other accused are concerned, the first respondent is directed to complete the investigation and file a final report within a period of four weeks from the date of receipt



of a copy of this order.
Petition is closed.

Consequently, connected Miscellaneous

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Inspector of Police,
Thallakulam Crime Police Station,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.O.P (MD) No.4629 of 2018
03.10.2019

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VB(23.10.2019) 3P 3C