



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP (MD) Nos.12672 & 12673 of 2015
and
MP (MD) Nos.1 & 1 of 2015

1.Usharani

2.B.Lalitha

3.Somu @ Somasundaram ... Petitioners in both petitions

(P3 is suo motu impleaded as per order dated 31.10.2019)

Vs.

1.State, rep.by the Inspector of Police,
Economic Offences Wing-II,
Tiruchirappalli.
(Crime No.1 of 2001)

...1st Respondent /Complainant
in both cases

2.R.Nallusamy

... 2nd respondent /defacto Complainant
in both cases

Common Prayer : Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in C.C Nos.40 & 39 of 2012 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli and quash the same in so far as the petitioners are concerned, respectively.

In both cases :

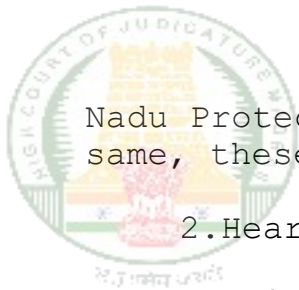
For Petitioners : Mr.M.Suri

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1

Mr.D.Ramesh Kumar for R2

COMMON ORDER

The petitioners figure as accused in C.C Nos.40 and 39 of 2012 on the file of the learned Judicial Magistrate, Tiruchirappalli for the offences of criminal breach of trust under Sections 420 of IPC and Section 5 of the Tamil



Nadu Protection of Interests of Depositors Act, 1997. To quash the same, these original petitions have been filed.

2.Heard the learned counsel on either side.

3.This Court indicated that if the petitioners undertake to settle the liability of the victims, this Court would be inclined to grant them relief. The learned counsel appearing for the defacto complainant also submitted that if the victims are repaid, they will not be interested to pursue the matter. This Court called upon the learned counsel for the petitioners to secure an undertaking affidavit from the accused. Accordingly, the petitioners' counsel filed the same before this Court today. Para 5 of the undertaking affidavit reads as follows :

"I submit that the amount involved in those cases are Rs.25,89,362/- (C.C No.40 of 2012 - Vaikarar Ela Chit-34 subscribers) and Rs.1,72,361/- (C.C No.39 of 2012 - Aravind Chit Funds - 12 Persons and I do hereby undertake to pay these amounts to the person concerned and settle the amounts within a period of six months as settled by me in other cases in C.C Nos.36 and 39 of 2010 on the file of the Special Court under TNPID Act Cases, Madurai."

4.The petitioners' counsel also drew my attention to the fact that two other cases were pending against the accused in C.C Nos. 36 and 39 of 2010 on the file of the Special Court under TNPID Act Cases, Madurai and that both the cases ended in acquittal, because, the accused cleared their liability. Therefore, taking note of the past conduct of the petitioners and accepting the undertaking affidavit filed before this Court, I quash the impugned proceedings. If the accused do not clear their liability within a period of six months from the date of receipt of a copy of this order, the benefit of this order will go automatically and the prosecution will resume against the petitioners herein. With this direction, these criminal original petitions stand allowed. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

Skm



To

1.The Judge, Special Court under TNPID Act Cases,
Madurai.

2.The Chief Judicial Magistrate,
Tiruchirappalli.

3.The Inspector of Police,
Economic Offences Wing-II,
Tiruchirappalli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+3 CC to M/s.M.SURI, Advocate (SR-95573[F] dated 01/11/2019)

Cr1 OP (MD) Nos.12672 & 12673 of 2015
and
MP (MD) Nos.1 & 1 of 2015
31.10.2019

JMN(13.12.2019) 3P : 8C