

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.19934 of 2013

and

MP No.1 of 2013

Mrs.Sampath Rani ... Petitioner/A2

vs.

1. State represented by
Inspector of Police,
T-1, Ambattur Police Station,
Ambattur, Chennai 600 053 ... Respondent/
Complainant

2.Mrs. Gomathy ... Respondent/
Defacto Complainant

Prayer: This Criminal Original filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.664 of 2012 pending on the file of the learned Judicial Magistrate at Ambattur, Chennai and quash the charge sheet.

For Petitioner : Mr.S.Suresh

For Respondent : M/S M.E.V.Thulasi for R2

O R D E R

This petition has been filed seeking to call for the records in C.C.No.664 of 2012 pending on the file of the learned Judicial Magistrate at Ambattur, Chennai and quash the charge sheet.

2.The case of the petitioner is that she is the mother of A1. The case of the prosecution is that the petitioner's son Benjamin was an ex-serviceman who was assisting the Second respondent and her husband Mr.R.V.Ganesan in running a Security Agency. The Petitioner's son Benjamin is associated with them from the year 2009 and during the course of business, a dispute arose between them for money. On 08.03.2010, the second respondent filed a complaint before the first respondent

alleging that Benjamin cheated the defacto complaint by assuring them to purchase a land in their name for which, he received a sum of Rs.4,00,000/-. Initially the compliant was entertained by the Law Enforcing Agency, but subsequently was closed. Thereafter, the second respondent filed a complaint by way of protest petition before the Lower Court and the Lower Court ordered for further investigation, in which the petitioner has also been added as accused on a simple ground, i.e. the petitioner assured that her son will purchase the property and therefore, she was implicated in this case. Challenging the said complaint in C.C.No.664 of 2012, the present petition has been filed.

3.The learned counsel appearing for the petitioner would submit that even a bare perusal of the entire charge sheet would reveal no allegation was made against the petitioner, simply in paragraph 2 of the charge sheet, the Law Enforcing Agency stated that the petitioner assured the defacato complaint that her son will purchase the property. Except the above averment, no allegations are made against the petitioner in the said complaint. The said averment is not sufficient to implicate the petitioner as accused in the said complaint and it is nothing but abusing the process to settle score with petitioner.

4. The learned counsel appearing for the second respondent fairly conceded that no allegation has been made against the petitioner and that she has no serious objections for quashing the compliant in respect of the petitioner alone.

5.The learned Additional Public Prosecutor appearing for the first respondent also has no serious objections to quash the compliant in respect of the petitioner alone.

6. Considering the above facts and circumstances of the case and there being no serious allegations in the complaint against the petitioner and further, the second respondent as also the first respondent having no serious objection for quashment of the complaint insofar as the petitioner is concerned. The charge sheet in C.C.No.664 of 2012 dated. 27.03.2012 on the file of the learned Judicial Magistrate at Ambattur, Chennai, insofar as the petitioner alone is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
T-1, Ambattur Police Station,
Ambattur, Chennai 600 053.

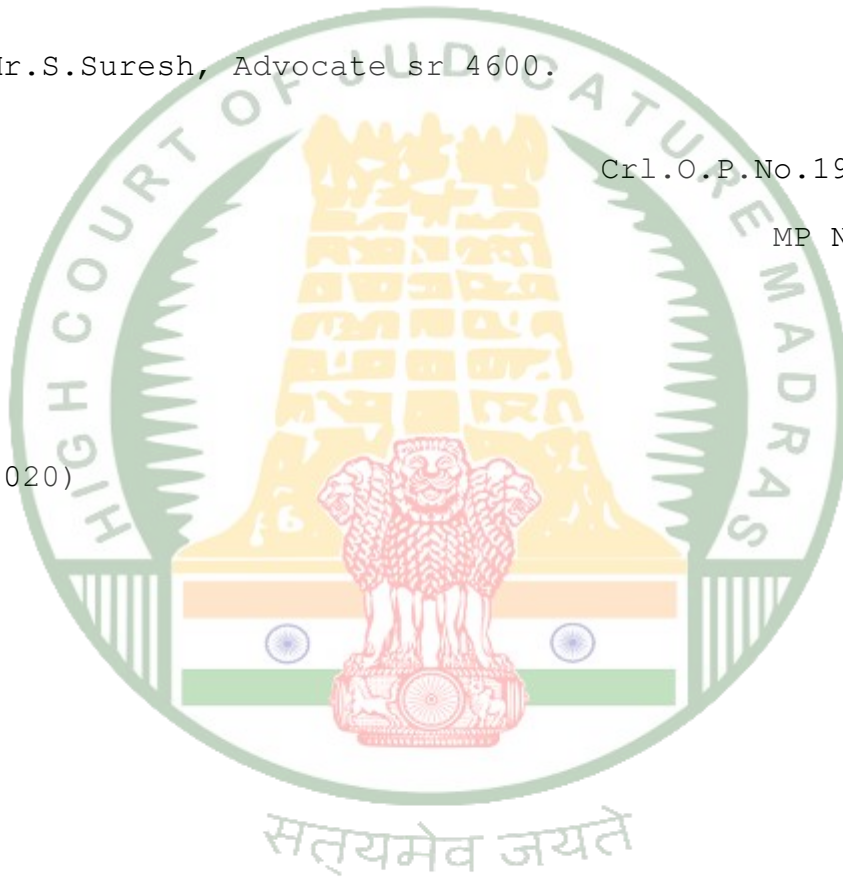
2. The Judicial Magistrate
Ambattur, Chennai

3.The Additional Public Prosecutor,
High Court of Madras, Chennai.

+1 CC to Mr.S.Suresh, Advocate sr 4600.

Crl.O.P.No.19934 of 2013
and
MP No.1 of 2013

VBA (CO)
SP (27/02/2020)



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