

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.12.2020

PRONOUNCED ON : 21.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19138 of 2016

AND

CRL.M.P.No.8998 of 2016

Usha Pattabhiraman ... Petitioner

Vs.

1.State rep. by
The Sub Inspector of Police
Team I, Central Crime Branch
Chennai
(Cr.No.177/2014)

2.S.Seethalakshmi ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.3177 of 2016 pending investigation on the file of the learned Chief Metropolitan Magistrate, Allikulam, Chennai and quash the same.

For Petitioner : Ms.R.Aparna

For 1st Respondent : Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side)

For 2nd Respondent : No appearance

O R D E R

This matter is taken up for hearing via video conferencing.

2. On a complaint lodged by the 2nd respondent, the police registered a case in Crime No.177 of 2014 on 07.04.2014 and after completing the investigation, filed a charge sheet in C.C.No.3177 of 2016 in the Court of the Chief Judicial Magistrate, Egmore, Chennai for the offences under Sections 420 and 506(I) IPC against the petitioner herein, for quashing which, this Criminal Original Petition has been filed under Section 482 Cr.P.C.

3. Heard Ms.R.Aparna, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the State.

4. It is the case of the prosecution that, while the petitioner and the de facto complainant were working in Sinarjernih India Pvt. Ltd., they got acquainted with each other; the petitioner represented that she was suffering from cancer and took monies on various dates totally amounting to Rs.1,44,600/- for the purpose of her treatment and thus, defrauded the de facto complainant.

5. Ms.Aparna submitted that merely based on the receipts issued by a pawnbroker, it cannot be stated that the de facto complainant had pledged her jewels and given the money to the petitioner.

6. In the opinion of this Court, the pawnbroker receipts can at the most corroborate the testimony of the de facto complainant. Whether reliance can be placed on the said receipts, is a question to be decided by the trial Court and not by this Court under Section 482 Cr.P.C.

7. Ms.Aparna placed a letter dated 10.06.2009 in the typed set of papers, purported to have been written by the de facto complainant to the petitioner saying that, she has received all the amounts in full and final settlement. Therefore, she contended that, when there was a dispute between the petitioner and the de facto complainant even in the year 2009, the assertion of the de facto complainant that she had given monies to the petitioner in the year 2010, defies logic.

8. This Court is of the view that the letter dated 10.06.2009 has to be confronted to the de facto complainant, whilst she is in the witness box and this Court cannot give a finding, based on the document kept in the typed set of papers. Since there are prima facie materials for the trial Court to frame charges against the petitioner, this is not a fit case to quash the prosecution.

In the result, this Criminal Original Petition stands dismissed. The petitioner is directed to appear before the trial Court and take part in the trial. If she absconds, a fresh F.I.R. can be registered under Section 229-A IPC against her. If she adopts any dilatory tactics in the conduct of trial, she can be remanded in custody, in the light of the law laid down by the Supreme Court in State of Uttar Pradesh Vs. Shambhu Nath Singh and Others [(2001) 4 SCC 667]. Connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Chief Metropolitan Magistrate
Allikulam, Chennai

2.The Sub Inspector of Police
Team I, Central Crime Branch
Chennai

3.The Public Prosecutor
High Court, Madras

+1 CC to Ms.R.Aparna, Advocate Sr.No.42327

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CRL.O.P.No.19138 of 2016

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