

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.2521 of 2015
and M.P.No.1 of 2015

Rukmadhan,
S/o.Karuppusamy,
No.28, Kamaraj Salai,
Seiyur Road, Thirupur District. Petitioner/Accused-3

Versus

The State rep by
The Inspector of Police,
Central Crime Branch
Tirupur
(Crime No.5 of 2012) Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.800 of 2014 pending trial on the file of the Judicial Magistrate-II, Tirupur and to quash the charges levied against the petitioner/accused.

For Petitioner : Camyles Gandhi
for S.Shankar

For respondent : Mr.K.Prabakar
Additional Public Prosecutor

OR D E R

The petitioner, who is A3 in C.C.No.800 of 2014, facing trial for the offence under Sections 120(b), 420, 506(i) of IPC on the file of the Judicial Magistrate-II, Tirupur, filed this quash petition.

2. The contention of the learned counsel for the petitioner is that the petitioner was working as an agent with A1 and A2. A1 and A2 were running currency trading company in the name and style of "OMA World" and thereafter they started "Adplus" and "VSJ Marketing Company" at Salem. The petitioner acted as agent for A1 and A2. He would further submit that the petitioner handed over all the money collected by him to A1 and A2 and he was given only the commission for the same. The

petitioner has not cheated any person, the petitioner has been wrongly arrayed as accused. Hence filed the quash petition.

3. The learned Additional Public Prosecutor submitted that in this case all the three accused conspired together, started a trading company in the name "OMA World" , "Adplus" and "VSJ Marketing Company". In the name of OMA World they have collected a sum of Rs.4,00,000/- and in the name of VSJ Marketing Company they have collected a sum of Rs.35,00,000/-, totally collected a sum of Rs.39,00,000/- and cheated 28 innocent persons by assuring the innocent investors that they will get huge money in return as interest along with principle amount. He would further submitted that based on the complaint given FIR was registered and the statement of the victims who have lost their money have been recorded and in this case totally 15 witnesses statement recorded and filed along with documents. Due to the pendency of the Original Petition the trial could not be proceeded the money of the innocent peoples could not be recorded and therefore prayed for the dismissal of the Original Petition.

4. Considering the rival submissions and perusal of the materials, it is seen that 28 innocent persons have been cheated to the tune of Rs.39,00,000/- and there is no recovery till now. Further on registration of the complaint, recording the statement of victims, charge sheet filed which is pending for the trial. In view of the same there is no merits on the petitioner's contention, hence quash petition dismissed. The Trial Court is directed to complete the trial within a period of four months from the date of receipt of a copy of this order or from the date of lifting of lockdown and commencement of regular functioning of Court below.

5. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1.The Judicial Magistrate-II,
Tirupur.

2. The Inspector of Police,
Central Crime Branch
Tirupur

3.The Public Prosecutor,
High Court, Madras-104.

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SR(CO)
CB(22/10/2020)



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