



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.[MD]No.7170 of 2020

and

Crl.M.P(MD).No.3523 of 2020

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Ramesh ... Petitioner/Accused No.6

Vs.

1.The State rep., by

The Inspector of Police,

City Crime Branch Police Station,

Trichy City.

(Crime No.55 of 2019)

... Respondent No.1/Complainant

2.Murugesan

... Respondent No.2/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying to call for the records pertaining to Crime No.55 of 2019, on the file of the first respondent and quash the same as against this petitioner is concerned.

For Petitioner : Mr.C.Senthil Murugan

For R-1

: Mr.S.Chandrasekar

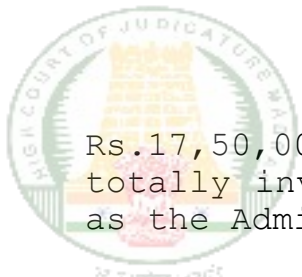
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a relief to call for the records pertaining to the Crime No.55 of 2019, on the file of the first respondent and quash the same as illegal.

2(i) The case of the prosecution is that in the year 2019, the 7th accused, who is running a Medical shop in the name and style of Singapore, has approached the second respondent and informed that he may earn more money from home by investing the same in Bit Coin Multilevel Online Trade company namely BIT 2 BTC. It is further alleged that the seventh accused told that he knew the owner of the company. Moreover, it is alleged that according to the business, if he invests 10 dollors i.e., Rs.700/-, he will get Rs.3.50/- per day as commission and also made the second respondent to believe that he can earn upto Rs.5000/- per day from home.

2(ii).The further case of the prosecution is that in the month of June 2019, the second respondent had given a sum of Rs.3,15,000/- to one Karthikeyan and the same was invested in the names of the second respondent and his father, by opening two accounts. Thereafter, the second respondent had given, Rs.10,50,000/- on 15.07.2019 and Rs.5,25,000/- and



Rs.17,50,000/- on 30.07.2019 and thereby, the second respondent has totally invested a sum of Rs.31,15,000/- and this petitioner served as the Admin of the Account maintained by the Company.

3.The learned counsel appearing for the petitioner would submit that only because of the reasons that the petitioner was served as Admin we cannot come to the conclusion that the petitioner was directly involved in the alleged offences. A bare reading of F.I.R would not disclose the essential ingredients to attract alleged offences. He would further submit that there is no prima facie materials to implicate this Petitioner for the alleged offence under Section 406 of I.P.C., and there is no dishonest intention on the part of this petitioner to cheat the second respondent and hence, Sections 417 and 420 of I.P.C., will also not be attracted.

4.On the other hand, the learned Additional Public Prosecutor appearing for the first respondent would submit that the petition mentioned offences were committed only with the knowledge of the petitioner and he only maintained the account and made a canvass among the public.

5.Now considering the rival submissions made by either side, it is not in dispute that at the time of occurrence the petitioner was working as administrator in the company, in which the alleged occurrence was happened. So only in the detailed investigation, the involvement of the petitioner has to be identified. The Hon'ble Apex Court in the case of **State of Haryana and others Vs Bhajan Lal and others**, reported in **1992 Supp (1) Supreme Court Cases**, has held as follows:-

"The power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases. The extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice. The Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint."

6.So it is obvious that the investigation of the offence is the field exclusively reserved for the police officers, whose powers in that field are unfettered so long as the power to investigate into the cognizable offences is legitimately exercised in strict compliance with the provisions falling under Chapter XII of the Code and the Courts are not justified in obliterating the track of investigation, when the investigating agencies are well within their legal bounds.

7.Since the case has been registered on due information, if this application is allowed, it would amount to interfere with the



investigation Therefore, I am of the considered opinion that the prayer sought in this application does not have any merits. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

CrI.O.P.[MD]No.7170 of 2020
09.07.2020

KK(17.07.2020) 3P 3C