



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2020

CORAM:

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

CrI.O.P. (MD) No.24011 of 2015

and M.P. (MD) No.1 of 2015

M/s.Port City Benefit Funds Ltd.,
Sivakasi Branch,
Javulikadai Street,
Sivakasi,
Virudhunagar District.
Represented through its Manager,
M.Sundara Ramalingam

... Petitioner/2nd Accused

Vs.

1.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.

2.V.M.Thirunavukkarasu ... Respondents 1 & 2/Complainants

3.Mohandhass ... 3rd Respondents/1st Accused

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in crime No.324 of 2015 on the file of the first respondent police and to quash the same in respect of the petitioner alone.

For Petitioner : Mr.K.Sudalaiyandi

For R1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (CrI.side)

For R3 : Mr.N.Tamilmani

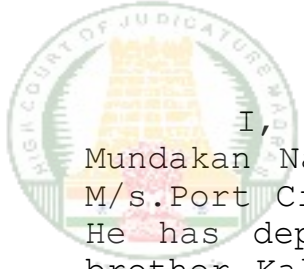
For R2 : No Appearance

ORDER

Petition filed under Section 482 Cr.P.C., to quash the First Information Report registered based on the compliant given by one V.M.Thirunavukkarasu, son of Madasamy.

2.The First Information Report, dated 22.06.2015 reads as follows:

<https://hcservices.ecourts.gov.in/hcservices/>



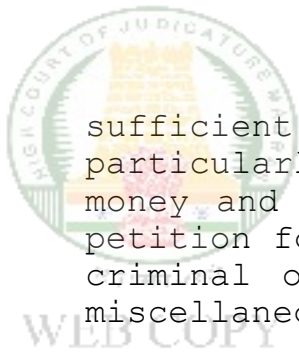
I, V.M.Thirunavukkarasu, aged 58/15, S/o.K.V.Madasamy, 722, Mundakan Nadar Street is a subscriber of daily deposits scheme of M/s.Port City Benefit Funds Ltd., Sivakasi Branch since 12.05.2014. He has deposited a sum of Rs.300/- per day. Likewise, the his brother Kalidas has deposited a sum of Rs.34,500/- and he has made three deposits as Rs.34,500/-, Rs.20,000/- and Rs.50,000/- respectively and the said Kalidas died on 13.05.2014. The complainant being the legal heir of the deceased Kalidas, transferred the account in his name. Totally a sum of Rs.2,00,000/- have been deposited in the Port City Benefit Funds Ltd. The money was paid at the Port City Benefit Funds Ltd., premises to its Manager, Mohandhas. Now when they ask for money back from the present Manager Sundar, he refused to pay the money stating that the Port City Benefit Funds Ltd., have no scheme of daily deposit. For the said reason, a complaint was given by the second respondent against the Manager Mohandhas and management of Port City Benefit Funds Ltd.,, Sivakasi Branch.

3.Present petition filed by the second accused under Section 482 Cr.P.C., to quash the said FIR by the second accused on the ground that the said Mohandhas/A1 while working as the Manager of the M/s.Port City Benefit Funds Ltd., has misused the petitioner's reputation and collected money from the third parties to establish his own financial company namely Annathayagam Benefit Fund Ltd.,. Hence, on 04.04.2015 they made a public notice warning public not to interacted with Mohandhas on behalf of the petitioner firm. While so, the present complaint dated 27.06.2015 has been filed as if the petitioner firm had cheated the defacto complainant. Hence, they want the FIR to be quashed.

4.The second respondent herein is the first accused in the complaint and he would submit that he was working as Manager in the petitioner firm at Sivakasi Branch. He on behalf of the petitioner firm has collected deposits and same has been remitted in the account of the petitioner. He on his own left the petitioner firm on 18.11.2014 and he has not collected any money from the subscribers, thereafter.

5.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that statement of account of the M/s.Port City Benefit Funds Ltd., has been seized and investigation revealed that the defacto complainant and others have account in the petitioner company and remittance was reflected in the statement of account.

6.Therefore, there is *prima facie* material to show that the second respondent herein has collected money from the public and furnished receipt of the petitioner company. Now there is default in re-payment, which has lead to registration of the First Information Report dated 27.06.2015. When there is enough materials



sufficient to investigate the complaint of cheating, more particularly, when statement of account indicates transaction of money and non-payment of the same, FIR cannot be quashed. Hence, petition for quashing of FIR is un-sustainable and accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

- 1.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-9777[F] dated 03/03/2020)

+1 CC to M/s.N.TAMILMANI, Advocate (SR-9826[F] dated 03/03/2020)

Cr1.O.P. (MD) No.24011 of 2015
02.03.2020

SBS (CO)
TR(20.03.2020) 3P 5C