



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

Cr1.O.P.No.344 of 2019

Tmt.R.Hema

...Petitioner

Vs.

1. State Rep.by
Inspector of Police,
Central Crime Branch, Team - 2,
Chennai Suburban Police,
Chennai - 16.
(Crime No.81 of 2010)

2. S.Jeyakumar

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.No.110 of 2018 on the file of the Judicial Magistrate No.I, Poonamallee, Chennai and quash the same.

For Petitioner : Mr.S.Prabhu

For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor for R1

M/s.P.Chandrasekar for R2

O R D E R

This Criminal Original Petition has been filed to call for the records relating to C.C.No.110 of 2018 on the file of the Judicial Magistrate No.I, Poonamallee, Chennai and quash the same.

2. The learned counsel for the petitioner submitted that



the petitioner has only executed the promissory note for the amount due to be paid to several persons including the defacto complainant. He further submitted that she has also executed the memorandum of understanding and set out the terms of contract and any violation of the said terms would only bring a cause of action for filing a Civil Suit and no criminal proceedings can be initiated against the petitioner.

3. The learned Additional Public Prosecutor for the first respondent/complainant has submitted that the petitioner and her husband (who is the first accused) have cheated several persons by giving them false assurance that if they invest money with them, it would get multiplied and collected money with an intention to cheat them; hence, the criminal proceedings are sustainable.

4. The learned counsel for the defacto complainant, who is the second respondent herein, has submitted that the petitioner and her husband allured several persons like defacto complainant and collected money by giving false assurances that they would invest the said money in real-estate market and double their investment. But cheated them thereafter.

5. The records show that the petitioner and her husband had the liability to repay the money not because they obtained amounts from the defacto complainant and other persons by way of loan or they owe money during the course of any business transaction. They owe money to the complainant and others, due to their assurance that they would double their money if their money is invested in real-estate. Believing their words, the defacto complainant and other persons have delivered their money to the petitioner and her husband. Since no returns as assured were given to the defacto complainant, he gave the complaint by stating that the money has been collected from the individuals with the intention of deceiving them. It has already been observed that the execution of promissory note has not been culminated from any loan transaction or business transaction. Since the petitioner and her husband had influenced the defacto complainant and several persons to grab their valuable possession like money, by giving false assurance, the case is registered under Sections 420 & 506 (II) and charge sheet has also been filed and taken on file.

6. As I do not find any legal ground to quash the proceedings pending before the trial Court, the proceedings pending before the Judicial Magistrate No.I, Poonamalle, Chennai, in C.C.No.110 of 2018 should be allowed to go. It is always open to the petitioner to raise the grounds of this petition as her defence before the Criminal Court and contest the case.



7. Accordingly, this Criminal Original Petition stands dismissed. No costs.

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Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Pns

To:

1. The Inspector of Police,
Central Crime Branch, Team - 2,
Chennai Suburban Police,
Chennai - 16.
2. Judicial Magistrate No.I,
Poonamallee, Chennai.

+1cc to M/s.M.Sarfudeen Ali Ahamed, Advocate, S.R.No.54729

+1cc to M/s.S.Prabhu, Advocate, S.R.No.55314

+1cc to M/s.P.Chandrasekar, S.R.No.55498

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AD (CO)
SU (24/11/2021)