



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8026 of 2021

Muthaiyan
S/o, Sambandam

... Petitioner

Versus

1. The State represented by
The Inspector of Police,
Economic Offences Wing,
Thiru.V.Ka Industrial Estate,
Guindy,
Chennai - 600 032.

2. K.Jayabharathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to F.I.R.No.3 of 2016 pending on the file of the Inspector of Police, Economic Offences Wing, Thiru.Vi.Ka Industrial Estate, Guindy, Chennai - 600 032.

For Petitioners: Mr.Suresh Samson
for Mr.Raj Kumar Paul

For R1 : Mr.E.Raj Thilak
Government Advocate, (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to call for the records pertaining to F.I.R.No.3 of 2016 pending on the file of the Inspector of Police, Economic Offences Wing, Thiru.Vi.Ka Industrial Estate, Guindy, Chennai - 600 032.

2. The contention of the petitioner is that the petitioner in only an employee of M/s.HBN Dairies & Allied Limited and he is a last graded employee and he has been falsely implicated in this case. The above said company had collected money as deposits from the public under various money multiplying schemes



and defaulted in repayment. The petitioner is only an employee and not dealt with any receipt of money and the petitioner had been falsely implicated in this case. The petitioner is also an employee and due to pendency of the abovesaid case, he is unable to get any job, and the stigma of being an accused in the case is an obstacle. Further A6 and A7 have filed similar petition before this Court to quash the F.I.R in CrI.O.P.No.22892 of 2016 and the directions given by this Court is as follows:

8. Though it appears that the petitioners were mere employees of M/s.HBN Diaries & Allied Ltd., it is premature to quash the F.I.R against them. The petitioners have already obtained anticipatory bail. Since the investigation is in progress, and only when it culminates, can the culpability or otherwise, of the petitioners determined. Hence the present petition is dismissed and if the investigation officer finds that the petitioners were merely working in M/s.HBN Diaries & Allied Ltd., it is needless to state that they should be excluded from the array of accused in the final report.

3. The learned Public Prosecutor has submitted that petitioner holding a responsible position in A1 company and investigation is in progress. Further he filed the status report in which his contentions are as follows:

"5. It is further submitted that the accused A8 Muthaiyan as the Manager of the company M/s.HBN Diaries & Allied Ltd, they work for the company under the cover of Collection agents. The complainant stated in the complaint that she was approached by the petitioner/accused Muthaiyan (A8) and they explained about the attractive schemes of the company "HBN Diaries and Allied Products Ltd", and enticed her to invest her money

6. It is further submitted that the petitioner/accused Tr.Muthaiyan (A8) are amongst the conspirators and they work for the company under the cover of collection agents. Unlike other companies, the said company had engaged local persons of the respective regions in marketing/promoting their products/schemes and they have not specifically appointed any marketing people. The so called agents have been given free hand to evolve strategies for marketing the attractive schemes of the company. They organized gatherings, conducted meetings and promoted very attractive schemes of the company. Moreover, as they have vested with power of appointing agents for collecting deposits, their interest in the business of the company is very clear that they are amongst the conspirator in swindling the money from the public at very large scale."

4. Considering the submissions and during investigation if it is found the petitioner is only an employee of M/s.HBN



Diaries & Allied Ltd and he is not a beneficiary, name of the petitioner shall stand excluded from the list of accused while filing of the final report.

5. Accordingly, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mfa
To

1. The Inspector of Police,
Economic Offences Wing,
Thiru.V.Ka Industrial Estate,
Guindy,
Chennai - 600 032.

2. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.Rajkumar, Advocate Sr.34512

CRL.O.P.No.8026 of 2021

ad[co]
srg 06/08/2021