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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16936 of 2021
and Crl.M.P.No.9230 of 2021

Anna Durai

... Petitioner/2nd Accused

Versus

1.State Represented by
The Inspector of Police,
Alagapuram Police Station,
Salem City.

...1st Respondent/Complainant

2.Palanisamy

... Respondent/Defaco Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the first respondent to call for the records relating to in C.C.No.164 of 2014 on the file of the Judicial Magistrate Court No.V, Salem, herein and quash the same as devoid of merits and without prima facie case.

For Petitioner : Mr.R.Sankarasubbu

For R1 : Mr.A.Damodaran,
Additional Public Prosecutor,

O R D E R

This Criminal Original Petition is filed directing the first respondent to call for the records relating to in C.C.No.164 of 2014 on the file of the Judicial Magistrate Court No.V, Salem, herein and quash the same as devoid of merits and without prima facie case.

2.The petitioner is A2 in C.C.No.164 of 2014 facing trial for the offence under Sections 406, 409, 420 r/w 120(B) IPC has filed this quash petition.

3.The contention of the petitioner is that the petitioner is a retired BSNL Employee and no way connected to this case. The defacto complainant had filed a case against the petitioner. He



further submits that the defacto complainant has given Rs.3,00,000/- to secure job for his daughter-in-law is improbable and motivated to counterblast the complaint of the first petitioner against his son for cheating Rs.5,00,000/- to secure plot in real estate business. For which a civil suit has also filed and the petitioner is no way involved in any of the above said act. He fairly submitted that A2 is the husband of A1 and the marriage between them is in existence.

4.The learned Additional Public Prosecutor submitted that the defacto complainant and other witnesses have clearly spoken about the fowl role played by A1 and A2, projecting that the defacto complainant's daughter-in-law would get employment in Government. Believing the same, money handedover, it is a job racketing. The job racketing is proved by several of materials, which is to be looked into during trial. From the final report, it is clearly seen that the petitioner along with his wife has approached the defacto complainant and shown as a person, who can get job and received money from the defacto complainant and cheated him. Further submits that this is a case of charge of relationship conspiracy and the role played by the petitioner and his wife can be proved only on the basis of the evidence.

5.Considering the submissions and on perusal of the records, this Court finds that the points raised by the petitioner though appears to have force, it is a case of conspiracy between the petitioner and the other accused and they are living together, inference ought to be made during trial, which could be drawn by this Court. In view of the above, this Court dismiss this Criminal Original Petition.

6.Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ah
To

1.The Judicial Magistrate No.V,
Salem.



2.The Inspector of Police,
Alagapuram Police Station,
Salem City.

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3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.16936 of 2021

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