



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16289 OF 2021

AND

CRL.M.P.NO.8832 OF 2021

B.Murugadoss

... Petitioner

Versus

State Rep. by:-

1. The Inspector of Police,
District Crime Branch,
Thiruvarur, Thiruvarur District.
(Crime No.17 of 2018)

... 1st Respondent/Complainant

2. Dr.Stanli Michel

... 2nd Respondent/Defacto
Complainant

PRAYER:-

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in FIR in Crime No.17 of 2018 pending on the file of respondent Police.

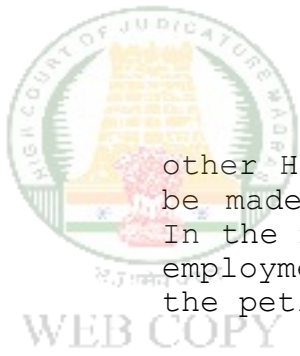
For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.A.Damodaran,
No.1 Additional Public Prosecutor

ORDER

The petitioner, who is A8 in Crime No.17 of 2018, has filed this quash petition for offences under Sections 120B, 406, 408 and 420 of IPC.

2. The gist of the case is that A1 to A11 had committed the above offences on the promise that the prospective candidates, who are willing to pay money to the petitioner and the other accused, would be employed in the Primary Health Center and the



other Health Department Offices. Further, temporary staff would be made permanent, thereby, they collected huge sums of money. In the meanwhile, on their own, the persons, who gave money, got employment and later, they have asked for return of money, which the petitioner and others refused to do so.

3. A complaint sent to the authorities, which was forwarded to the respondent police, who, on investigation, found that the allegation against the petitioner to be proved. Recording the statement of the witnesses and collected documents, investigation is proceeding. In this case, except three persons, who are private individuals, who are absconding, others have obtained Anticipatory Bail and they are before the respondent police, and investigation is in progress.

4. The contention of the learned counsel for the petitioner is that there is no material to prove that the petitioner had received money from the candidates and thereby, committed misappropriation and cheating under the guise of getting employment is not true. In so far as the materials collected by the police, it would show that there is no material leading to the petitioner. The petitioner has been falsely implicated in this case and hence, prayed for quashing the petition.

5. The learned Additional Public Prosecutor submits that the role played by the petitioner is that he had collected money from the five persons to the tune of Rs.8,25,000/-. Further, the petitioner along with the other accused had conspired together and projected as though they can secure job for the defacto complainant and others and thereby collected huge sums of money, misappropriated and cheated them. This is a case of job racketing. The investigation is at the penultimate stage and within a short period, charge sheet in this case has to be filed.

6. Considering the submission and on perusal of the materials, the petitioner's contention seems to be factual in nature and further, on the submission of the learned Public Prosecutor, it is found that there are materials connecting to the petitioner. In view of the same, this Court is not inclined to entertain the petition. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



drm/sms

To

1. The Inspector of Police,
District Crime Branch,
Thiruvarur, Thiruvarur District.
(Crime No.17 of 2018)
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.16289 OF 2021 AND
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RSI (CO)
PBS/28/10/2021