



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.6539 of 2017
and Crl.M.P.No.4793 of 2017

Saraswathi

...Petitioner/2nd Accused

Vs.

1.The State represented by
The Inspector of Police
District Crime Branch
Vellore District.
Crime No.06 of 2015

... 1st Respondent / Complainant

2.A.Sundaram

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the Crime No.06 of 2015 on the file of the District Crime Branch, Vellore District and quash the same.

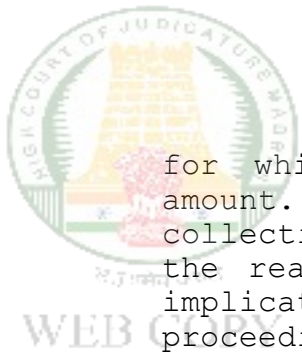
For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.S.Vinoth Kumar
Govt.Advocate(crl.side) for R1
R2-Died

ORDER

This Criminal Original Petition has been filed to call for the records and quash the proceedings in Crime No.06 of 2015 on the file of the District Crime Branch, Vellore District for the offence under Sections 406,408,420 r/w 120(b) of I.P.C.

2.The case of the prosecution is that one Rathina Velu/A3, who was working as a Manager in the defacto complainant's company has sent 51.043 tonnes of single yarn to the petitioner for converting it into double yarn. After conversion, the same has to be re-delivered to the defacto complainant herein. Because of the long delay to re-deliver the double yarn conversion, the petitioner's son one Duruva Prakash has agreed to repay the market value of 51.043 tonnes of single yarn to the tune of Rs.1,11,78,079/- to the defacto complainant,



for which, he had issued three cheques for the above said amount. Thereafter, when the said cheque was deposited for collection, the same was returned to the defacto complainant for the reason " Funds Insufficient". Thereby, the petitioner was implicated for her sons's action. Hence, prayed to quash the proceedings.

3. The allegation in the FIR indicate that at the most any dishonest or fraudulent activities can be proceeded only against A1 and not against petitioner/A2 and A3. In such view of the matter, implicating the petitioner/A2 and A3 have no role to play in this matter. Therefore, implicating petitioner/A2 and A3 for A1's action is nothing but abuse of process of law and the same is quashed. Accordingly, this Criminal Original Petition is allowed. However, the prosecution against A1 shall continue and the trial Court shall proceed as per law and dispose of the main case as expeditiously as possible. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1. The Inspector of Police
District Crime Branch
Vellore District.

2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.69872

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SJ(CO)
CT 12/01/2022