



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.687 of 2016
and
Crl.M.P Nos.329 & 330 of 2016

K.Ranganathan

... Petitioner

Vs.

The State rep by
The Inspector of Police
Central Crime Branch
Job Rocketing Team-4
Egmore, Chennai - 8
Cr.No.427/2010

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the charge sheet in C.C.No.676 of 2014 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : R.Venkatesh

For Respondent : Mr.E.Raj Thilak
Counsel for Government (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to call for the records and quash the charge sheet in C.C.No.676 of 2014 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai.

2.The case of the petitioner is that the prosecution has filed the C.C.No.676 of 2014 on the ground that three persons, viz., 1.Srinivasan, 2.Saibaba @ Madhu Babu, & 3.Shankar were entered into conspiracy by making assurance to the defacto complainant and his friends that they will make necessary arrangement for getting employment in Abroad. On their assurance, the defacto complainant and his friends paid money to the tune of Rs.25,19,000/-. But to their disappointment, the accused persons did not take any steps to get the job in Abroad. Thereafter, while checking the visa, issued by the accused persons, they came to know that the visa are bogus one. Hence



they lodged a complaint to the respondent police.

3. On receipt of the complaint, the respondent police registered a case in Crime No.427 of 2010 for the offences punishable under Section 465, 468, 471 and 420 r/w 120(b) of IPC and conducted investigation. Thereafter charge sheet has been filed in Crime No.427 of 2010 before the learned XI Metropolitan Magistrate, Saidapet, and was taken on file in C.C.No.676 of 2014.

4. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he is an innocent person and there are no specific allegations made against the petitioner; the allegations are patently absurd and inherently improbable for the offences as stated above; there is no material available against the petitioner to implicate him in this case; the respondent police recorded the statement under Section 161 Cr.P.C., from L.W.1 to L.W.10 and none of the witnesses spoke about the petitioner herein; in fact the petitioner herein is one of the aspirants to go abroad through the accused persons. Therefore, he prays to quash the C.C.No.676 of 2014 on the file of the respondent police.

5. The learned counsel for the Government (Crl.Side) would submit that already trial has commenced and witnesses have been examined. During the course of trial A1 died; A2 and A3 are still absconding and the trial could not be proceeded further. Further NBW is also pending against the 2nd and 3rd accused.

6. Heard both sides and perused the materials available on record.

7. Though the petitioner is one of the aspirants to go abroad, he has parted money from the defacto complainant and his friends and there is no denial in toto by the petitioner. Only on the instructions and directions of the other accused persons, the defacto complainant and his friends paid money to the petitioner, would clearly show that if he is also a third person to this crime and he is also not an agent, would not have parted money from the defacto complainant. That being the case, this Court is of the view that the petitioner has not proved the case as per his claim in the petition and this Court feels that if at all any material is available to defend his case, he shall produce the same before the Court below at the time of trial and prove his innocence. Thereby no ground has been made, to quash the charges against the petitioner made in C.C.No.676 of 2014 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai.



8. Therefore, this Court dismissing the Criminal Original Petition. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai.

2. The Inspector of Police
Central Crime Branch
Job Rocketing Team-4
Egmore, Chennai - 8

3. The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.687 of 2016
and Crl.M.P Nos.329 & 330 of 2016

PCH(CO)
GN(19/07/2021)