



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.15812 OF 2017

AND

CRL.M.P.NO.9850 OF 2017

S.Vasanthi

... Petitioner/Accused

Versus

1. The State by
The Inspector of Police,
District Crime Branch,
North Police Station,
Erode, Erode District.

... R1/Complainant

2. S.Karthick Raja

... R2/Defacto Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the entire records concerned in C.C.No.31 of 2017 on the file of the Chief Judicial Magistrate, Erode, Erode District and quash the same in so far relates to petitioner is concerned.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.Vinoth Kumar
For PP for R1

No Appearance for R2

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.31 of 2017 on the file of the Chief Judicial Magistrate, Erode, Erode District, so far as the petitioner is concerned.

2. The case of the prosecution is that A.1 was running a business as Managing Director and A.2 to A.4 are Directors. A.5



to All were employees of the Company. From the witnesses Karthikraja, Santhi and Murugesan, under the pretext of selling napkins and hair dyes, A.1 to A.11, received the amount to the tune of Rs.1,10,00,000/-. Since they have not supplied the materials, committed an offence, punishable under Sections 120 (b), 406, 420, 294 (b) and 506 (ii) of the Indian Penal Code.

3. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.S.Vinoth Kumar, for Public Prosecutor for the first respondent.

4. The learned counsel appearing for the petitioner/A.9 submitted that the petitioner/A.9 is a mere employee in the Company, formed by A.1 to A.4 and the said amount has been received by A.1 to A.4 for the supply of hair dyes and others. Merely because she is an employee, she been falsely implicated in this case. Hence submitted that unless the charge sheet is quashed as against the petitioner, she has to undergo ordeal of the trial.

5. Heard the learned counsel appearing on either side and perused the entire materials available on record.

6. Statements of the witnesses recorded by the prosecution would indicate that money has been collected and paid only to the Directors of the Company i.e., A.1 to A.4. There were no other materials unearthed against the petitioner. Even if the entire materials unearthed by the prosecution is taken as a face value, the same would not be sufficient to bring home the guilt against the petitioner/A.9. In such being a position, continuing the prosecution against the petitioner/A.9 is a mere waste of time.

7. Considering the fact that the petitioner has been falsely implicated in the charges merely because she was employed in the Company run by the accused 1 to 4, this Court is inclined to quash C.C.No.31 of 2017, as far as this petitioner alone.

8. In the result, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mvs



To

1. The Chief Judicial magistrate,
Erode, Erode District.
2. The Inspector of Police,
District Crime Branch,
North Police Station,
Erode, Erode District.
3. The Public Prosecutor,
High Court, Madras - 104.

CRL.O.P.NO.15812 OF 2017 AND
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SSD(CO)
PBS/26/11/2021