



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.1795 of 2017
and Crl.M.P.No.1281 of 2017

Vasantha Prabha

.. Petitioner/Accused

Vs.

1. State Rep. by
Inspector of Police,
IX-Team EDF Wing,
Central Crime Branch,
Chennai.

2. K.Janaki
(Amended as per orders in
Crl.M.P.No.16308 of 2019
in Crl.O.P.No.1795 of 2017,
dated 13.11.2019)

.. Respondents/Complainants

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to quash the charge sheet in C.C.No.7419 of 2017 on the file of respondent before the Chief Metropolitan Magistrate, Egmore, Chennai.

(Prayer amended as per the orders in Crl.M.P.No.16308 of 2019 in Crl.O.P.No.1795 of 2017, dated 13.11.2019).

For Petitioner	.. Mr.T.Sai Krishnan
For R1	.. Mr.E.Raj Thilak
	Government Advocate (Criminal Side)

ORDER

The petitioner is the accused in C.C.No.7419 of 2017, now pending on the file of learned Chief Metropolitan Magistrate, Egmore, Chennai. It had been taken cognizance for the offence under Sections 406 and 420 of I.P.C.

2. It is stated that the petitioner is an entrepreneur and had commenced a Marketing Company to familiarise various people with respect to the venture and had also trained about 507 persons and had collected the amounts ranging from Rs.5,000/-



onwards from each one of them. Thereafter, the venture has to be closed. Naturally, the persons who paid the amounts demanded back the amounts. Since payment did not materialised, a complaint had been given pursuant to which F.I.R in Crime No.34 of 2010 had been registered by the IX-Team EDF Wing, Central Crime Branch, Chennai and subsequent to investigation, final report had been filed and it had been taken cognizance as C.C.No.7419 of 2017 by the learned Chief Metropolitan Magistrate, Egmore, Chennai.

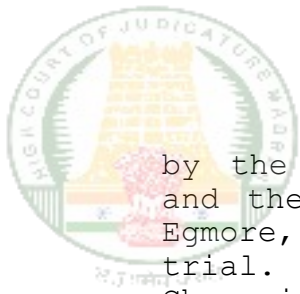
3. The present Criminal Original Petition has been filed to quash the said First Information Report. But, since the Calendar Case had now been taken cognizance, Mr.T.Sai Krishnan, learned Counsel for the petitioner stated that some parameters may be set out, since the petitioner herein is willing to settle all the members who had paid the money in the aforesaid manner.

4. It is also seen from the records that when the petitioner sought anticipatory bail, the same was obtained on condition to deposit a sum of Rs.8,00,000/- in the District Legal Services Authority, Chennai and I am also informed that money from that deposit had also been paid to various individuals. Now according to the prosecution, the total amount collected was Rs.38,00,000/- and there are about 507 persons who had paid the money.

5. Mr.T.Sai Krishnan, learned Counsel, however, disputed both the number of individuals and also the total amount due and payable. Learned Counsel must verify the monies that had to be paid out and necessary care and caution should be taken that the same individual does not receive the amount twice over and above the amounts which he had already paid. Such caution should be taken primarily by the petitioner herein by verifying the records from whom the amounts have been received and also necessarily by the investigating officer, who had recorded the statements under Section 161 of Cr.P.C., and also by the District Legal Services Authority, Chennai, who had disbursed Rs.8,00,000/- to various individuals.

6. Let trial be proceeded in C.C.No.7419 of 2017, but, during the course of trial, if the petitioner herein come forward with the settlement of entire issues, it may be put forth before the learned Chief Metropolitan Magistrate, Egmore, Chennai, who after taking necessary precaution and in accordance with law, may take up such proposal for consideration and with the aid and assistance of the investigating officer, identify the persons, who had paid the money and also the persons who had received the money already.

7. But, however, let the Calendar Case proceed in its normal course, even though this particular exercise may be undertaken



by the learned Chief Metropolitan Magistrate, Egmore, Chennai and thereafter, let the learned Chief Metropolitan Magistrate, Egmore, Chennai take a considered decision on conclusion of trial. Let the learned Chief Metropolitan Magistrate, Egmore, Chennai also obtain a report from the District Legal Services Authority, Chennai with respect to the names of the individuals to whom the amounts have been disbursed by the District Legal Services Authority, Chennai.

8. With the above said observations, the present Criminal Original Petition is disposed of, even though the relief sought namely to quash F.I.R in Crime No.34 of 2010 is not granted, since C.C.No.7419 of 2017 is now pending for trial before the learned Chief Metropolitan Magistrate, Egmore, Chennai. If any amount is available with the District Legal Services Authority, Chennai, the same may also be disbursed to the individuals, who had paid them, on proper identification and after taking necessary care and caution. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

grs/kbs

To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
IX-Team EDF Wing,
Central Crime Branch,
Chennai.
3. The District Legal Services Authority,
Chennai.

+1 cc to Mr.T.Sai Krishnan, Advocate Sr.NO. 46032

Crl.O.P.No.1795 of 2017
and Crl.M.P.No.1281 of 2017

A.SK(11.10.2021)