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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 18525 of 2017

and

Crl.M.P.Nos. 11272 and 11275 of 2017

1.Vanitha Devi

2.Senthil Kumar

. . . Petitioners

Versus

1.K.R.Eswaramurthy

2.Aingaran Educational Trust,

Door No.180-B, Alaguvel Layout,

S.V.Mill Post,

Udumalpet,

Tirupur District.

3.T.Aruna

4.S.Indrani

5.T.Shathan

6.T.Muthuraj

. . . Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the proceedings initiated against them in C.C.No.21 of 2017 on the file of the learned Judicial Magistrate No-I, Tirupur.

For Petitioners : Mr.N.Somasundaar

For Respondents : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings initiated against the petitioners in C.C.No.21 of 2017 on the file of the learned Judicial Magistrate No-I, Tirupur.

2. Brief facts which are necessary for the disposal of this Criminal Original Petition is as follows:-

The first respondent herein is none other than the brother of one Mr.K.R.Murugasamy, an ex-trustee of Aiyangaran Educational Trust. The impugned cheque was issued by the ex-



trustee of Aiyangaran Educational Trust to the defacto complainant/first respondent for the discharge of amount borrowed from him. Problem arose with regard to the handling of money transactions and misusing of Trust cheques. The petitioners herein/accused 4 and 6 were inducted as new trustees. Hence a complaint has been lodged by the first respondent in C.C.No.21 of 2017 on the file of the learned Judicial Magistrate No.1, Tirupur.

3. Heard the learned counsel appearing for the petitioners and there is no representation on behalf of the respondents. Perused the materials available on record.

4. Petitioners are accused Nos.4 and 6 in the complaint and they have been inducted as trustees in the year 2013. They produced a register in respect of the affairs of the trust, wherein it is very clear that the President, Secretary and Treasurer, alone can operate the cheques. It is his further contention that defacto complainant is the brother of trustee and therefore, the entire complaint is the abuse of process of law and hence the same has to be quashed.

5. The very complaint itself indicate that several allegations have been made as if the money has been directly received by the petitioners. Whether these petitioners are incharge of the Trust or not has to be seen in trial and it is a matter of evidence. Hence, the same cannot be gone into by this Court, at this stage. In such view of the matter, this Court do not find any merits in this petition.

6. In the result, this Criminal Original petition is dismissed. The personal appearance of the petitioners/accused before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. It is very well open to the petitioners/accused to raise all their defence before the trial Court. The trial Court is directed to decide these issues on its own merits. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

psa/mvs



To

The Judicial Magistrate No-I,
Tirupur.

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+1cc to Mr.N.Somasundaar, Advocate, S.R.No.62187

Cr1. O.P. No. 18525 of 2017

GPL (CO)
CT/17/12/2021