



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE **R.THARANI**

CrI.O.P.(MD)No.2959 of 2021

and

CrI.M.P(MD).No.1593 of 2021

WEB COPY

Thangadurai

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Karur, Karur District.

2.Nandhakumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records in CC.No.100 of 2020 on the file of the Judicial Magistrate Court No.I, Kulithalai quash the same insofar as the petitioner is concerned.

For Petitioner

: Mr.K.Baalasundharam

For R1

: Mr.A.Robinson

Government Advocate (Criminal side)

ORDER

This petition is filed to quash the case in CC.No.100 of 2020 on the file of the learned Judicial Magistrate No.1, Kulithalai against the petitioner.

2.On the side of the petitioner it is stated that the petitioner is A3. A1 and A2 are Advocates. The allegation levelled against the accused is that A1 and A2 collected money from the complainant and 38 others for appointment as Office Assistants in the High Court of Madras and in the High Court of Madras Madurai Bench. Out of the amount received from various persons, the petitioner and the others purchased the properties. The property of the petitioner was purchased on 28.03.2013, whereas the occurrence took place only on 30.06.2013. Hence, there is no possibility for A3 to have purchased the property out of the amount paid by the defacto complainant and others. Since A3 is the brother of A2, his name was included in the charge sheet. There is no other allegation against the petitioner. Out of the 45 witnesses examined, none has given evidence against the petitioner. The petitioner is doing steel business and he and his partner purchased the property. The petitioner is an IT assessee from the year 2011. Since A1 was a witness in the sale deed, the petitioner was roped into the case. Since the property in the name of the petitioner was purchased earlier to the date of occurrence, the case against the petitioner has to be quashed. In support of his contention, an order of this Court in CrI.O.P.No.20793 of 2019 dated 06.08.2019 is cited on the



side of the petitioner.

3.On the side of the respondents it is stated that the said occurrence took place on 30.06.2013. The statement of L.W.36 and L.W.37 reveals that some amount was collected by the accused during September 2012. Totally a sum of Rs.53,00,000/- was collected by the accused and they purchased three plots, one in the name of A3. The annual income of A3 was only Rs.2,50,000/-, whereas the property purchased is worth more than Rs.5,00,000/-. The petitioner keep the money collected by others and the petitioner is also liable for the offence and prayed this petition to be dismissed. The judgment of the Hon'ble Supreme Court published in **(2016) 14 SCC 640 in the case of Mehboob Ali and another Vs., State of Rajasthan** and another judgment of this Court passed in Crl.R.C.No.1176 of 2018 dated 17.09.2019 are cited on the side of the respondents.

4.A perusal of the records reveals that L.W.36 and L.W.37 gave statements that they paid amount during September 2012. The allegation against the petitioner is that some property was purchased in the name of the petitioner on 28.03.2013 out of the funds received from the defacto complainant and others. This fact requires a detail enquiry and trial is necessary to find out the involvement of A3 in the case. In the above circumstances, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CSIII)

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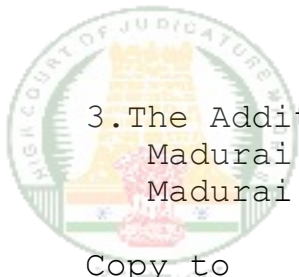
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Sub Assistant Registrar(CS)

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The judicial Magistrate No.I, Kulithalai.
- 2.The Inspector of Police,
District Crime Branch,
Karur, Karur District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-7447[F] dated
26/02/2021)

Crl.O.P. (MD)No.2959 of 2021
24.02.2021

MA (CO)
KB (15.03.2021) 3P 6C