



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE.G.JAYACHANDRAN

Crl.O.P(MD)No.16336 of 2017

and

Crl.M.P(MD)Nos.10824 & 10825 of 2017

Seeni Syed

... Petitioner/Accused No.3

-vs-

1.The State rep. by,
The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
(Crime No.49 of 2015).

... 1st Respondent/Complainant

2.Pravin Muthuraj

... 2nd Respondent/Defacto
Complainant

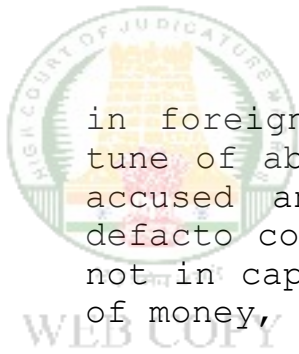
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.98 of 2017, on the file of the learned Judicial Magistrate No.II, Ramanathapuram in respect of the petitioner/Accused No.3 and quash the same.

For Petitioner : Mr.S.Muniyandi
For R1 : Mr.A.Thiruvadikumar
Additional Public Prosecutor
For R2 : Mr.Chinnian
Legal Aid Counsel

O R D E R

The petitioner herein is the third accused in C.C.No.98 of 2017, on the file of the learned Judicial Magistrate No.II, Ramanathapuram, for the offences under Sections 406, 420, 506(i) and 109 IPC.

2. The sum and substance of the final report is that the first accused, who is the brother of the present petitioner, has induced and promised the defacto complainant and others would arrange jobs



in foreign countries and has collected huge sum running to the tune of above Rs.10,00,000/-. The money was received by the first accused and given to the second and third accused. When the defacto complainant and others found that the accused persons were not in capable of procuring foreign job and they asked for return of money, the accused were threatened with dire consequences.

3. The petition to quash the charge sheet is filed by the third accused, who is the sister of the first accused, on the ground that the ingredients of Sections 406 and 420 IPC are not made out and being the sister of the first accused, she has been roped in just to harass.

4. The learned counsel appearing for the petitioner would submit that entrustment was not with this petitioner as per the complaint. The deception or dishonour of inducement attributed only to the first accused. When there is no averments of inducement of the money attributed to this petitioner in the complaint or from the statement of the witnesses and when there is no averments of deception at the inception neither Section 406 IPC nor Section 420 gets attracted. Therefore, the case is liable to be quashed as against the petitioner.

5. The learned Additional Public Prosecutor appearing for the State would submit that from the complaint, it is clearly made out that the money received from the defacto complainant was entrusted to this petitioner and also when the defacto complainant and others demanded money back, this petitioner along with other accused threatened them with dire consequences. Therefore, when the offence under Sections 406, 420, 506(i) and 109 IPC is *prima facie* made out, the petitioner is liable to face the trial.

6. This Court finds the substance in the submission made by the learned Additional Public Prosecutor, since there are *prima facie* materials available to try the petitioner herein for the above said offence. It is not a case to be quashed summarily without proper trial. Accordingly, this petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

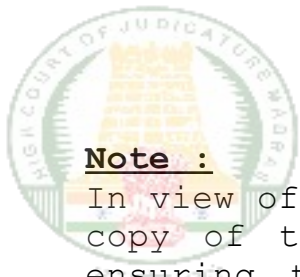
Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS)

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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.II,
Ramanathapuram.

2.The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.

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

+1 CC to M/s.S.CHINNAIAN, Advocate (SR-38501[F] dated
14/12/2021)

CrI.O.P(MD)No.16336 of 2017
13.12.2021

RK(31/12/2021) 3P 5C