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Crl.O.P.No.2381 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.2381 of 2021

and

Crl.M.P Nos.1311 & 1312 of 2021

1.Gangadevi
2.Victoriya
3.Saranya

... Petitioners

Vs.

1. State by
The Inspector of Police
G-1, Maduranthakam Police Station
Chengalpattu District.

2.Balachandar ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. praying to call for the records in P.R.C No.9 of 2020 on the file of the learned Judicial Magistrate, Maduranthakam, Chengalpattu District and quash the proceedings pending as against him.

For Petitioner : Mr.T.Ravi
For M/s.A.Mutugavel
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1
Mr.G.Maheshkumar for R2



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ORDER

This Criminal Original Petition has been filed, seeking to call for the records pertaining to P.R.C No.9 of 2020 on the file of the learned Judicial Magistrate, Maduranthakam, Chengalpattu District and quash the proceedings pending as against him.

2. The petitioners are the accused 6, 7 and 8. The 6th accused is the mother of the A1 and the accused 7 & 8 are the wives of A1. A1 to A10 have been charged for the offences under Sections 120-B, 341, 364(A), 506(ii), 392 IPC read with 109 / 114 IPC.

3. The case of the prosecution is that the victim Muthukumaran is the father-in-law of the de-facto complainant's son and he is managing the business of the 2nd respondent under the name and style of Aravind Hari Cermaics at Unnamalaipakkam Village, Tindivanam-Chennai GST Road; on 30.06.2018, at about 7.30 p.m, while the victim Muthukumaran was proceeding in his Indica car bearing Registration No.TN 33 BD 7916 to his house after closing the shop, at Melmaruvathur, he was intercepted by



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some identifiable persons at Pakkam junction and they kidnapped him along with his car. The said persons contacted the de-facto complainant through phone and demanded Rs.10,00,000/- as ransom to relieve Muthukumaran; on the complaint given by the 2nd respondent, a case has been registered in Crime No.284 of 2018 for the offence under Section 364-A IPC; after completing the investigation, charge sheet has been laid against A1 to A10; the petitioners/accused 6 to 8 have been charged for conspiracy.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent.

5. The learned counsel for the petitioners submitted that the petitioners have been implicated in this case, just because they are closely related to the 1st accused in their capacity as mother and wives; there is no material available to make a case against these petitioners and the petitioners are in no way connected with the case; without any solid materials, if the petitioners are subjected to trial, that would prejudice their



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interest.

6. The learned Additional Public Prosecutor submitted that the statement of the victim and the confession of the co-accused would show the doubtful activities on the part of these petitioners in hatching a conspiracy to kidnap the victim and to demand ransom for his release.

7. On perusal of the records, it is seen from the statement of victim/Muthukumaran that the wives of A1 namely, the petitioners 2 and 3 came to be known to him, when they purchased tiles from his shop. On the afternoon of 29.06.2018, they came to purchase tiles and fetched up conversation with him and enquired whether he would drive his car alone every day. The occurrence had taken place on 30.06.2018. So, it is sufficient enough to raise doubts about the involvement of the petitioners in hatching out a conspiracy to kidnap the victim. On the confession of the co-accused also, the involvement of the petitioners have been stated. So, it is not a case, where there is no materials available against the petitioners. Only if the petitioners put under trial, the real facts can come to light. In a serious offence of this nature, the Court should be slow to invoke its



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extraordinary jurisdiction of 482 Cr.P.C., to quash the proceedings. I don't feel this is a fit case to be quashed.

8. In the result, the Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petitions are closed.

15.11.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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To

1. The Judicial Magistrate,
Maduranthakam, Chengalpattu District

2. The Inspector of Police
G-1, Maduranthakam Police Station
Chengalpattu District.

3. The Public Prosecutor,
High Court, Madras.



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