



CrI.O.P.No.12098 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

CrI.O.P.No.12098 of 2019

and

CrI.M.P.No.6265 of 2019

Vijayalakshmi

... Petitioner

Vs.

1.The Sub Inspector of Police,
District Crime Branch,
Cuddalore-607 001.
Cuddalore District.
(Crime No.671 of 2008)

2.Malarvizhi

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records in charge sheet in C.C.No.15 of 2012 for the offence under Sections 406, 418, 420 r/w.34 and 109 I.P.C., on the file of the Judicial Magistrate Court No.II, Panruti, Cuddalore District in pursuance of the Crime No.671 of 2018 on the file of the respondent and quash the same.

For Petitioner : M/s.Veerasekharan D.



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For R1 : Mr.N.S.Suganthan
Government Advocate (Crl.Side)
For R2 : Mr.G.Kadhiresan

ORDER

The petitioner herein who is arrayed as 3rd accused in a case investigated by the respondent and charge sheeted before the learned Judicial Magistrate No.II, Panruti and taken on file in C.C.No.15 of 2012.

2. The gist of the prosecution case is that, the *de facto* complainant and 19 other students were made to believe that Murugavel Girls Teacher Training College, Panruti, Cuddalore, is recognized by National Council for Teacher Education (in short “ NCTE”) to admit the students for teacher training course. Hence, they joined the said Institute and paid fees between of Rs.20,000/- to Rs.30,000/- for the academic year 2006 - 2008. When the examination date was announced by NCTE to be held on 18.02.2007, the *de facto* complainant and other students were informed that the college has not been allotted the center for examination and therefore, they have take their examination in J.V.S. Teacher Training College, Kallakurichi and for that purpose they have to



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pay fees of Rs.10,000/- and Rs.6,400/- for accommodation. Accordingly, after collecting Rs.16,400/- in addition from each of the students, Marimuthu (A1), the Trustee of Murugavel Girls Teacher Training College and Jaganathan(A6), the Trustee of J.V.S. Teacher Training College, Kallakurichi, accommodated them in the college building of J.V.S.Teacher Training College, Kallakurichi, but when they went to the examination hall, they were not permitted to take up the examination. Then, they came to know that neither Murugavel Girls Teacher Training College nor J.V.S.Teacher Training College, Kallakurichi duly recognized by NCTE for admitting the students for the academic year 2006 – 2008.

3. The prosecution on receiving the complaint from one Malarvizhi had investigated the case and filed Final Report against eight accused in which the petitioner is arrayed as 3rd accused and her husband Jaganathan arrayed as 6th accused.

4. The learned counsel for the petitioner placed his arguments for quashing the complaint against the petitioner on two fold,



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primarily, she submitted that there is no privity of contract between the students and J.V.S. Teacher Training College. They joined the institute run by the 1st accused Marimuthu which was not recognized by NCTE. The petitioner herein, who is the wife of the 6th accused Jaganathan, is only a non-executive trustee of Kasthuri Swamy Educational Trust, which was running the J.V.S. Teacher Training College, Kallakurichi. The said institute has been duly recognized by NCTE. The petitioner has not collected any money from the *de facto* complainant or any students. Furthermore, the Final Report which says, she is relative of A1 is also false.

5. Referring the Trust deed of Kasthuri Swamy Educational Trust, the learned counsel for the petitioner would submit that she is neither relative of Marimuthu (A1) nor a Trustee in the Institute Murugavel Girls Teacher Training College run by Marimuthu. Therefore, on wrong premise, Final Report filed without proper investigation. Therefore, this case has to be quashed.

6. The learned Government Advocate (Crl.Side) representing the State would submit that 19 students including the *de facto*



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complainant had given the statement, how they have been cheated by the accused persons herein, without any proper recognition. These 20 students were admitted in Murugavel Girls Teacher Training College as it is a recognized institute. When they came to know that the Institute is not recognized, the trustees of Kasthuri Swamy Educational Trust, which was running J.V.S.Teacher Training College, assured them to accommodate their students to take up their examination and collected Rs.16,400/- from each of the students. After collecting money, they did not arrange for their examination, since J.V.S. Teacher Training College is also not recognized for admitting the students for the academic year 2006 to 2008.

7. The learned counsel for the *defacto* complainant/intervenor would submit that the accused persons herein including the petitioner in connivance with others together advertised themselves as Murugavel Girls Teacher Training College and J.V.S. Teacher Training College are recognized Institutes for admitting the students, collected money from the students hailing from rural background, but did not arrange for their examination. Therefore, the



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petitioner, who is the Trustee of Kasthuri Swamy Educational Trust run by J.V.S.Teacher Training College, where the students were accommodated and promised to arrange for them to write examination, after collecting fees, is also liable to be prosecuted.

8. This Court, on perusing the statements of the witnesses recorded under Section 161 Cr.P.C., finds that there is *prima facie* case made out against this petitioner and hence, it is not a fit case to quash. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is dismissed.

14.11.2022

rpl

Index: Yes/No

Speaking Order/Non Speaking Order



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To

1.The Judicial Magistrate Court No.II, Panruti, Cuddalore District.

2.The Sub Inspector of Police,
District Crime Branch,
Cuddalore-607 001.
Cuddalore District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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