



CrI.O.P.No.16363 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.16363 of 2019 and
CrI.M.P.No.8194 of 2019

R.K.Radhakrishnan

... Petitioner

/vs/

1.State Rep. by the Inspector of Police,
Central Crime Branch,
Team V, Egmore,
Chennai 600 008.

2.K.Jayaraman

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records relating to the final report in C.C.No.19420 of 2005 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner

... Mr.R.C.Paul Kanagaraj

For Respondents

... Mr.A.Gopinath,
Govt. Advocate (CrI.Side) for R1

No appearance for R2



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ORDER

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This Criminal Original Petition has been filed to call for the records relating to the final report in C.C.No.19420 of 2005 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

2. On 05.12.2022, this Court has passed the following order:

“The learned counsel for the petitioner submitted that the matter has been referred to mediation in which the petitioner had assured to return the prize money which he received from the second respondent and similar other victims.

2. The case of the prosecution is that the petitioner had cheated nearly 52 victims to the tune of Rs.8,57,710/- by collecting money, contrary to the provisions under Sections 4, 5 and 6 of Prize Chits and Money Circulation Scheme (Banning) Act, 1978, Section 15 of Indian Medical Council Act, Sections 3 and 4 of Drugs and Medical Remedies Objectionable Advertisement Act, 1978.

3. On 02.11.2022, this Court has passed the following order:-

“5. This Court, on perusing the records, finds that the complaint, pertains to the



transaction which is alleged to have taken place during the period from 2001 to 2003, has been registered on 24.01.2003. After registering the complaint, the final report was filed in the year 2005 and for one reason or the other, the trial has not commenced till date.

6. Considering the inordinate delay and also the submission of the learned counsel for the petitioner herein that the petitioner is ready to deposit the entire money alleged to have been cheated and subjecting himself for plead bargaining, this Court is of the view that the matter may be taken up for Mediation and after considering the views of the victims, an appropriate order may be passed.

7. Therefore, the petitioner is directed to appear before the Mediation Centre on 17.11.2022. Meanwhile, the respondent police shall cause notice to all the victims for their appearance before the Mediation Centre on 17.11.2022. The petitioner herein is permitted to cause notice to all the alleged victims through Mediation Centre for their participation on 17.11.2022.”



4. Accordingly, mediation completed and interim report has been sent wherein it is seen that the petitioner had deposited the sum due to 20 victims, who appeared in-person and they have received their amount totalling to Rs.1,37,870/-. However, the rest of 32 victims did not appear despite call letters have been sent to them. It is stated that for 6 victims call letters have been returned, however payment made to their representatives and for 26 victims call letters have been returned and payment also not made.

5. The case is of the year 2003 and the petitioner did not have any intention to cheat the victims and he had opted to give back the money. Only due to non-appearance of rest of the victims the money could not be returned back to them. Hence, I feel it is appropriate to direct the petitioner to deposit the rest of the amount aggregating to Rs.7,19,840/- before the Special Court for CCB & CBCID, Egmore, Chennai, within a period of two weeks from today.

6. For reporting compliance, list the matter after two weeks.”

3. In compliance of the order dated 05.12.2022, on 13.12.2022, the



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petitioner had deposited a sum of Rs.7,19,840/- (Rupees Seven Lakhs Nineteen Thousand and Eight Hundred and Forty only) in the account of CCB & CBCID, Metropolitan Magistrate Court, George Town, Chennai *vide* Demand Draft No.03929 dated 13.12.2022.

4. In view of the above said deposit, nothing remains to be considered on merits any further. As a sequel, the proceedings in C.C.No.19420 of 2005 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai, can be quashed.

5. In the result, this Criminal Original Petition is allowed and the proceedings in C.C.No.19420 of 2005 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai, is quashed. The victims who are the depositors and whose money is deposited in the Court are at liberty to file applications to withdraw their respective due by producing proof of their respective identity. Connected miscellaneous petition is closed.

21.12.2022

Index: Yes/No
Internet: Yes/No
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R.N.MANJULA,J.

gsk

To

- 1.The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
Central Crime Branch,
Team V, Egmore,
Chennai 600 008.
- 3.The Public Prosecutor,
High Court, Madras.

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