



CrI.O.P.No.19140 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.19140 of 2019 and
CrI.M.P.Nos.11634 & 9786 of 2019

Tamil Selvi @ Meera Mithun

... Petitioner

/vs/

1.State Rep by
The Inspector of Police (Crime),
E-3, Teynampet Police Station,
Teynampet, Chennai 600 018.

2.Ms.Ranjitha Badradri

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records in Cr.No.375 of 2019 pending on the file of the respondent police and quash the same.

For Petitioner : Mr.S.Yogaraj Sekar for
Mr.R.John Sathyan

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

: Ms.Thangavadhana Balakrishnan for R2



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records in Cr.No.375 of 2019 pending on the file of the respondent police and quash the same.

2. Heard the learned counsels for the petitioner and the second respondent and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. The case of the prosecution as it appears from the FIR is that the second respondent / defacto complainant is a Fashion Designer and she has a Boutique by name 'Tamaara' in Prakasam 1st Street, T.Nagar, Chennai. The petitioner contacted her through Instagram during January 2018 with regard to some sponsorship events. She had also assured to conduct some other programmes with regard to Miss Tamil Nadu by claiming herself as a Regional Director of Miss Tamil Nadu South Beauty Pageant. On believing her words, the second respondent had made payments to the account of the petitioner with an expectation that the event would take place as assured. But the event was not conducted and the money was also not returned to



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the defacto complainant. Aggrieved over that, she has filed a complaint and FIR has been registered in Crime No.375 of 2019 for the offence under Section 420 IPC.

4. The learned counsel for the petitioner submitted that the business transaction between the defacto complainant has been exaggerated as a criminal complaint; the remedy open to the second respondent is by way of filing a civil suit and not by initiating the criminal action; the matter which is trivial has been exaggerated and hence the proceedings should be quashed.

5. The learned Government Advocate (Crl.Side) and the learned counsel for the defacto complainant submitted that even when the petitioner filed a petition for Anticipatory Bail, there was an undertaking given by the petitioner that she would deposit the entire amount of Rs.50,000/-. As assured, the amount was not deposited but on the other hand, the petitioner is absconding. It is further submitted by the learned Government Advocate (Crl.Side) that the petitioner is a habitual offender and there are five previous cases pending against her.



WEB COPY 6. The records would show that the petitioner had received Rs.50,000/- by alluring the second respondent that she would conduct beauty pageant event and that would improve the business of the second respondent. The second respondent has given sufficient proof to show that she had made payment of Rs.50,000/- to the petitioner. Despite she had also undertaken to deposit the said amount before the Criminal Court as a condition to avail the benefit of Anticipatory Bail, she did not comply.

7. The learned counsel for the petitioner also submitted that it is not possible to get an update from the petitioner as her whereabouts is not known.

8. The petitioner is said to have involved in several previous cases and a Non-Bailable Warrant is also pending against her. So the records coupled with her present conduct of the petitioner justifies a doubt about her criminal intention and that has to be found out by due investigation.



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WEB COPY 9. In view of the above stated reasons, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

23.12.2022

Index: Yes/No
Internet: Yes/No
gsk

To

1.The Inspector of Police (Crime),
E-3, Teynampet Police Station,
Teynampet, Chennai 600 018.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



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R.N.MANJULA ,J.

gsk

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