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Crl.O.P No.20423 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.20423 of 2019

and

Crl.M.P No.10509 of 2019

T.Seeni Syed Amma

... Petitioner

Vs.

1.The State Rep. By
The Inspector of Police
Central Crime Branch I
Chennai-CCB
Chennai.

2.Thirumurugan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to FIR in Crime No.153 of 2019 dated 06.05.2019 pending investigation on the file of the respondent no.1 and quash the same as against the petitioner/A3.

For Petitioner : Mr.T.Mohan
For M/s.T.Lajapathi Roy

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor
Mr.Palani Kumar
For Mr.P.Kannan Kumar for R2



ORDER

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This Criminal Original Petition has been preferred, seeking to call for the records pertaining to FIR in Crime No.153 of 2019 dated 06.05.2019 pending investigation on the file of the respondent no.1 and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent and also the learned counsel for the 2nd respondent.

3. The petitioner is arrayed as a 3rd accused and she is an advocate practising at Madurai; the 2nd accused is the brother of the petitioner; the 2nd respondent/de-facto complainant is an Engineering Graduate, who involved himself in the research of Gasification Method which is used as a fueling gas to burn dead bodies in cremation centres; the above fuel generated through Gasification Method is an alternate for electricity or petroleum fuel; the 2nd respondent/de-facto complainant got it introduced in India at Madurai Corporation and he was successful across Tamil Nadu ; he established the said centres in atleast 120 places across Tamil Nadu; the 1st accused was



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working under the de-facto complainant from the year 2015 as an Office Assistant; during October 2014, the de-facto complainant had undergone a cardiac surgery and subsequently, he was taking medical treatment; the 1st accused had taken advantage of the medical condition of the de-facto complainant and joined hands with the other accused and started a fake letter pad of a company by giving the address as 16/52, New Door No.106, Nehru Street, Jaihindpuram, Madurai and fraudulently obtained a license from the Chennai Corporation; he misrepresented that the said letter pad company is a sister concern of the company of the de-facto complainant; by taking advantage of the contract works undertaken by the 2nd respondent company, the 1st accused managed to quote higher price for the tenders submitted in the name of the de-facto complainant's company; he quoted lower rate in the name of the letter pad company; thus got all the orders and executed the same through the investment made by the de-facto complainant and thereby got the money out of the orders and credited them in his account and in the account of the other accused; he also falsified the accounts of the 2nd respondent's company and thereby enriched himself unlawfully.



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4. The learned counsel for the petitioner submitted that so far as the petitioner is concerned, she has got nothing to do with the alleged actions done by the 1st accused. Since the petitioner happens to be the sister of the 2nd accused, she has been falsely implicated in this case; since the business had taken place at Chennai and the petitioner/3rd accused is residing at Madurai, there cannot be any overt act on the part of the 3rd accused.

5. The learned Additional Public Prosecutor submitted that the 1st accused along with other accused have hatched a conspiracy between themselves and committed all fraudulent activities by taking undue advantage of the exposure, the 1st accused had with the 2nd respondent's company and he amassed several lakhs of money; only if the investigation is allowed to continue, the actual involvement of the each of the accused would come to light and hence, the petition should be dismissed.

6. On perusal of the FIR, it is seen that there are 9 named accused. But, in the content of the complaint, the name of the 3rd accused is not mentioned. Even the allegations does not say that the petitioner/3rd accused has also got any overt act in the alleged conspiracy or other fraudulent



activities. No amount has been credited in the account of the 3rd accused.

The 3rd accused is an advocate who is practising at Madurai, who does not have any direct proximity with the activities that had taken place at Chennai. Since the petitioner is the sister of the 2nd accused, she seems to have got roped in in the case. However, there is no material available to make out any prima facie case against her. So, I feel it is appropriate to invoke the jurisdiction of this Court under Section 482 Cr.P.C to quash the proceedings as against the petitioner/3rd accused.

7. In the result, this Criminal Original Petition is allowed and the FIR registered as against the petitioner in Crime No.153 of 2019 on the file of the 1st respondent is hereby quashed. The investigation against the rest of the accused shall go. Consequently, connected Miscellaneous Petition is closed.

08.12.2022

Index : Yes/No
Speaking Order : Yes / No
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To

1.The Inspector of Police
Central Crime Branch I
Chennai-CCB
Chennai.

2.The Public Prosecutor
High Court of Madras.



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R.N.MANJULA.,J
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