



Crl.O.P No.22423 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.22423 of 2021
and Crl.M.P. No.12185 of 2021

K.Velu

... Petitioner

Vs.

1. The State rep. by
Inspector of Police,
Paravakottai Police Station,
Tiruvarur.

2. R.Kannan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the FIR filed in Cr.No.577 of 2021 on the file of the first respondent police, Paravakottai Police Station, Tiruvarur and to quash the same.

For Petitioner : No appearance

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the FIR filed in Cr.No.577 of 2021 on the file of the first respondent police, Paravakottai Police Station, Tiruvarur and to quash the same.

2. The case of the prosecution according to the complaint given by the second respondent / *de facto* complainant is that the petitioner and the *de facto* complainant are doing tourist agency at Chennai and Mannarkudi respectively; the petitioner had approached the second respondent by stating that he has Work Visa to Canada and if clients are referred to him, he would do the needful to send them abroad and give commission to the second respondent; believing the words of the petitioner, a sum of Rs.30,00,000/- have been paid by the three persons for whom the jobs have been offered and they have gone to Trichy Airport and from there travelled to Dubai; the petitioner instructed them to contact a person at Dubai so that he would take them to Canada; when enquiries were made subsequently to the petitioner, he told that the amounts have been transferred to Dubai agent but no updates have been given by the petitioner and thereafter the money was also



not returned; on 25.02.2021 at about 10 a.m., when the second respondent contacted the petitioner, he abused him in filthy language and also threatened him.

3. The petitioner has stated in his grounds of the petition that due to previous enmity and vengeance, the *de facto* complainant had given a false complaint against him and there is no *prima facie* case made out and the materials are not sufficient enough to make out a case against the petitioner. But the records would show that the second respondent has made a detailed averment as to how the occurrence had taken place.

4. The second respondent was made to believe that he could arrange clients for sending them to Canada for work on payment of money. The petitioner would send his clients to Canada and also give commission to the second respondent. On being influenced by the petitioner, the *de facto* complainant arranged persons and thereafter he took them to Trichy airport on 19.01.2021. The petitioner had been sending messages to the second respondent that the said persons should approach a person who is at Dubai and do further arrangements for sending his clients to Canada and that they



should hand over the passports to the said person. The second respondent along with clients had landed at Dubai and contacted with a person referred by the petitioner and handed over the passports to him. But the said person was dodging to meet the second respondent and his clients and simply asked them to deposit the money in his account. So the second respondent and his clients contacted their relatives at India and through them they arranged money and gave it to the petitioner. As agreed, the clients of the second respondent were not sent to Canada and they were left at lurch at Dubai itself. Their passports were also handed over to a stranger on the instruction of the petitioner and they have also lost their money. Subsequently, when the *de facto* complainant met the petitioner he was abused and threatened. All these allegations would show that it is a classical case of job racketing in which the second respondent was influenced to get clients and got money to be handed over to the petitioner. Sufficient materials are available on record to make out a case against the petitioner for the offences under Section 294 (b), 506(1) & 420 IPC.

5. This is not a case where the Court can exercise its power under Section 482 Cr.P.C. to quash the FIR by presuming that there are no *prima*



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facie materials available as against the petitioner. The allegations are very serious in nature and money was handed over by the second respondent to the petitioner for which the petitioner did not give any proper service as assured. The clients of the second respondent were also left at lurch and hence the investigation should be allowed to go. Only if the investigation is done, the real facts can be unearthed. Not even a single ground is made out to convince the Court to quash the FIR.

6. In view of the above, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

21.09.2022

Index : Yes/No
Speaking Order : Yes / No
bkn

To

1. The Inspector of Police,
Paravakottai Police Station,
Tiruvarur.

2. The Public Prosecutor
Madras High Court.

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R.N.MANJULA, J.,

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