



Crl.O.P.No.25008 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.No.25008 of 2022 &
Crl.M.P.Nos.15622 & 15623 of 2022

1. Rameshkumar
2. Magesh

... Petitioners

Vs.

1. The State, represented by
the Inspector of Police,
Appakoodal Police Station,
Erode District
(Crime No.310 of 2015)
2. Jayakumar

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.

praying to call for the records culminating in C.C.No.69 of 2021, pending on the file of the learned Judicial Magistrate No.1, Bhavani and quash the same.

For Petitioner : Mr. B. Mohan

For Respondent : Mr. S. Santhosh, GA (crl.side) for R1



Crl.O.P.No.25008 of 2022

ORDER

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This Criminal Original Petition has been filed challenging the criminal proceedings initiated against the petitioner in C.C.No.69 of 2021 pending on the file of the learned Judicial Magistrate No.1, Bhavani and to quash the same.

2. Learned counsel for the petitioners submitted that the petitioners are no way connected with the allegations stated by the defacto complainant. The alleged amount of Rs.45 lakhs had been remitted by the defacto complainant only to a company namely KIAN FIN SERVICE PRT. LIMITED. He would further submit that these petitioners are not connected to sending the amount to that company and the other allegations are baseless and hence he prayed that the criminal proceedings initiated against the petitioners in C.C.No.69 of 2021 needs to be quashed.

3. Learned Govt. Advocate (crl.side) appearing for the respondent police submitted that in this case, trial has commenced and PW1 was examined on 10.11.2021 and the case was posted for further examination of



Crl.O.P.No.25008 of 2022

witnesses. Since the trial has been commenced and further witnesses have to be examined, at this stage, it is not appropriate to quash the calender case. He would further submit that in order to arrive proper adjudication, the trial has to be completed. Thus he pleaded for dismissal of this petition.

4. Heard both sides and perused the materials available on record.

5. Perusal of records would reveal that the petitioners are A1 and A2 in C.C.No.69 of 2022 on the file of learned Judicial Magistrate No.1, Bhavani. The petitioners were prosecuted by the respondent police along with others for having committed the offences punishable under sections 406, 420, 147, 294(b) and 506(i) IPC. As per the charge, the petitioners instigated the defacto complainant to pay a sum of Rs.50 lakhs for providing iridium. Believing the words of the petitioners, the defacto complainant, on 7.9.2015, through his City Union Bank account number, transferred Rs.25,00,000/- to account number 039605001949 of ICICI Bank, Delhi to a company, namely, Kian Fin Service Pvt. Limited and also transferred Rs.20,00,000/- to the said company on the same date through Karur



Crl.O.P.No.25008 of 2022

Vysya Bank from the account of one Thulasidas bearing A/c.No.1121155000028616. Thus the defacto complainant has transferred totally Rs. 45 lakhs to the above said company, as instructed by the petitioners, but as assured, they failed to provide iridium.

6. According to the complainant, he paid the amount only at the instigation of the petitioners, but the petitioners cheated him without giving iridium or repaying the amount. Further, on 11.12.2015, when the petitioners were asked to repay the amount, they threatened and abused the complainant with dire consequences. Under such circumstances on the complaint of the defacto complainant, they were prosecuted. Further trial was commenced and PW1 has been examined before the trial court. In these circumstances, the matter has to be necessarily adjudicated after examining the witnesses. There is no case made out for quashing the criminal proceedings initiated against the petitioners in C.C.No.69 of 2021 on the file of Judicial Magistrate No.1, Bhavani. Therefore, I find no merits in the case of the petitioners. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.



Crl.O.P.No.25008 of 2022

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17.10.2022

Internet: Yes
Index: Yes/No
msr

To:

1. The Inspector of Police,
Appakoodal Police Station,
Erode District
2. The Public Prosecutor,
High Court of Madras.

V.SIVAGNANAM, J.

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5/6



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Crl.O.P.No.25008 of 2022

Crl.O.P.No.25008 of 2022 &
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