



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.1765 of 2019

and

Crl.MP(MD)No.936 of 2019

WEB COPY

Anitha Sweety : Petitioner/Accused No.2

Vs.

- 1.State represented by its
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Crime No.9 of 2019) : Respondent No.1/Complainant
- 2.Padmanabhan : Respondent No.2/
De-facto Complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the FIR in crime No.9 of 2019 on the file of the respondent and quash the same.

For Petitioner : Mr.S.Ramasamy

For 1st Respondent : Mr.S.S.Madhavan
Government Advocate

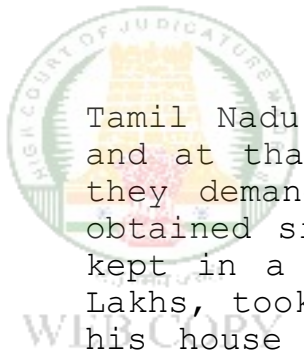
For 2nd Respondent : Mr.S.Sadeskumar

O R D E R

This criminal original petition has been filed by the petitioner seeking quashment of the Crime No.9 of 2019 on the file of the first respondent.

2.The case of the prosecution in brief:-

The 2nd respondent as de-facto complainant has given the complaint with the following allegation:- He was functioning as Chairman of Indian Railway Security Council and the Disaster Management Training Institute was under his control. In that, A1 was working as Assistant. On 11/11/2018 at about 3.00 pm, he went to Chennai with a cash amount of Rs.10,00,000/- to purchase jewels for her daughter's marriage. At about 4.25 pm, when he was reaching in



Tamil Nadu University, Thanjavur, A1 stopped the Car and got down and at that time, 10 unknown persons got down from three Cars and they demanded three Crores and A1 took away from the Car and he obtained signatories in the cheque leaves and white papers. He was kept in a room and during confinement, they also extorted Rs.3.80 Lakhs, took away three lakhs and five sovereigns of gold jewels from his house at Chennai. Finally, he was dropped about 4.00 pm, on 20/11/2018 near Thanjavur new bus stand. Based upon the above said occurrence, the case in Crime No.9 of 2019 was registered for the offences punishable sections 364A), 384, 392, 506(i) and 120(B)IPC.

3. Seeking quashment of the same, this petition has been filed by the 2nd accused.

4. Heard both sides.

5. It is a case of kidnapping and abduction, criminal intimidation and criminal conspiracy. Reading of the entire CD file shows that the second respondent is the complainant herein is not a man of good conduct and character and was now running AIRSC Academy of Safety & Disaster Management Institute. It appears that the 2nd respondent has cheated many innocent people and facing criminal prosecution before the several courts. It appears that this petitioner is also one of the above said victim of the crime, that has been committed by the 2nd respondent. So according to the learned counsel appearing for the petitioner, only as retaliation of taking steps, implicating the criminal case, such a false complaint has been given, after a lapse of about two months from the date of the alleged occurrence.

6. Reading of the entire FIR shows that some sort of unbelievable feature has also been stated. So even though, prima facie appears that it is a case of the victimisation or with ulterior motive, it requires a thorough investigation.

7. Perusal of the CD file shows that most of the investigation is also over. Because of the non-appearance of the 2nd respondent for considerable period of time, it has been kept pending. Now it has been brought to the notice of this court that the 2nd respondent was arrested and remanded to custody and notice was also served upon the 2nd respondent thro' the prison authorities. So during the course of investigation, the first accused namely Jamin Prabu and A3-S. Murugesan were arrested and they also given statement, implicating the co-accused namely this petitioner also. The vehicle, which has been used for the alleged offence has also been recovered, on the basis of the confession statement.

8. As stated above, whether the occurrence took place as stated by the de-facto complainant, is a matter for thorough investigation. When the petitioner's involvement has clearly set out by the co-accused during the course of confession statement, the contention that only as a counter blast to the above said complaint, that was served by the petitioner against the 2nd respondent, such a false



complaint has been given, cannot be a matter for consideration in this petition, since it is a factual issue.

9.Absolutely, no legal issue has been raised by the petitioner so far. So, it may not be proper on the part of the court to quash the criminal proceedings against this petitioner. As stated above, it requires thorough investigation and accordingly, this petition is liable to be dismissed.

10.In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.1765 of 2019
15/03/2022

MGJ(30.03.2022) 3P 3C