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Crl.O.P.(MD)No.9003 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.9003 of 2019

and

Crl.MP (MD)Nos.5716 and 5717 of 2019

Vennila : Petitioner/A2

Vs.

1.State rep. by

The Inspector of Police,
District Crime Branch,
Pudukkottai,
Pudukkottai District.
(Crime No.5 of 2016)

: R1/Complainant

2.Jawaharlal Nehru

: R2/De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in CC No.640 of 2018 on the file of the Judicial Magistrate, Pudukkottai and quash the same in respect of the petitioner.

For Petitioner : Mr.M.Ramu

For 1st Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

For 2nd Respondent : Mr.G.Mathavan

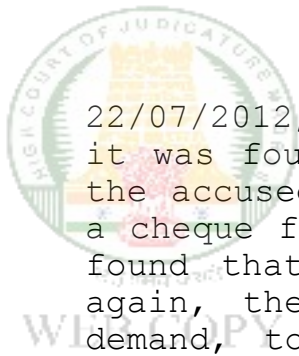
O R D E R

This criminal original petition has been filed by the petitioner seeking quashment of CC No.640 of 2018 on the file of the Judicial Magistrate, Pudukkottai.

2.The case of the prosecution in brief:-

The de-facto complainant is a resident of Pudukkottai. So far as the first accused namely Rajandran is concerned, he is running a Trust called 'REED Helping Institution at Manamelkudi. A2 is his wife and she is working as a teacher in a Government school. The de-facto complainant intended to admit his son in the medical course. On knowing the above said intention, the accused persons approached him promising that they can secure admission in the Theerthankal Mahaveer Medical College, Utter Pradesh. So promising to secure the admission, they received Rs.14,00,000/-, on 29/06/2012 and on

<https://hcservices.ecourts.gov.in/hcservices/>



22/07/2012, Rs.7,00,000/- each. But later, they failed. On enquiry, it was found that no amount was paid to the above said college by the accused persons. When they demanded back the money, they issued a cheque for Rs.14,00,000/-, on 20/05/2013. On verification, it was found that only Rs.2,00,000/- was permissible for withdrawal. So again, they found that they were cheated. Due to the repeated demand, totally Rs.6,00,000/- was paid. But failed to repay the balance amount. So on the basis of the above said allegation, finding that the cognizable offence has been made out, a case has been registered in Crime No.5 of 2016 for the offences under sections 120(B), 406 and 420 IPC and after completing the investigation, final report was filed on the file of the Judicial Magistrate, Pudukottai and it was taken cognizance in CC No.640 of 2018.

3. Seeking quashment of the final report, the 2nd respondent namely Vennila has filed this petition on the ground that she is noway involved in the above said transaction between her husband and the de-facto complainant, she is working as a teacher in a Government school and she is purposely roped in this case only to extract the money or pressurising her to settle the amount.

4. Heard both sides.

5. The learned Government Advocate (Criminal side) would submit that PW1 was examined before the trial court and now, it is in the part-heard stage.

6. The learned counsel appearing for the petitioner would heavily rely upon the allegation made in the FIR, wherein it has been stated that only A1 has received the money, he only promised to discharge the liability and also repaid a portion of the amount. It has been falsely stated in the complaint that this petitioner also joined hands with her husband in the above said transaction. According to her, it is noting, but a mala fide complaint. But when there is a specific allegation to the effect that this petitioner also joined hands with her husband in making promise, received money and discharge the partial liability, the contention on the part of the petitioner that she is no-way involved in the above transaction, cannot be considered at this stage. It is a matter for trial. He has also relied upon the statement of Muniyandi, wherein he has stated that this petitioner was also present along with A1 and the de-facto complainant paid Rs.7,00,000/- to this petitioner, but in turn handed over the same to A1. But later, on 22/07/2012, in the presence of one Barathi Mohan, Sekar and Arumugam, another sum of Rs.7,00,000/- was also paid. Similarly, he has also relied upon the statement of one Muthukumar, wherein he has stated that only the first accused received Rs.14,00,000/-, but that transaction is not related to the subject matter. Similarly, the witness Palraj has also given a like statement. According to the petitioner, mere



the above said transaction.

7.From the statement of witnesses, it is seen that A1 is continuously engaged in such sort of illegal transaction. Whether this petitioner is also involved in the above said transaction, is a matter for trial. As already submitted by the learned Government Advocate (Criminal side), the trial commenced before the trial court. PW1 has also been examined. The trial must go on to its logical conclusion. So in the above facts and circumstances of the case, I am of the considered view that this is not a fittest case to quash the criminal proceedings.

8.In the result, this criminal original petition is **dismissed**. However considering the fact that the petitioner is a working woman, her personal appearance is dispensed with before the trial court. Within 15 days from the date of receipt of a copy of this order, the petitioner must appear before the trial court and file an undertaking affidavit that she will appear as and when required by the court, the attested photograph must be attached in the affidavit and she must ensure that she is properly represented by an Advocate. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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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 Judicial Magistrate, Pudukkottai.
- 2.The Inspector of Police,
District Crime Branch,
Pudukkottai, Pudukkottai District.
- 3.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.19003 of 2019
17/03/2022