



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.8592 of 2021

and

CrI.M.P. (MD)Nos.4405 & 4406 of 2021

WEB COPY

Seeba

... Petitioner / Accused No.7

Vs

1.The State rep. by

The Sub Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.1 of 2019)

...Respondent No 1/Complainant

2.Christo Stella Rani

...Respondents No.2/
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records connected with the case in C.C.No.194 of 2019 on the file of the learned Judicial Magistrate Court No.II, Dindigul and quash the same as illegal against the petitioner.

For Petitioner : Mr.A.P.Balasubramanian

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : no appearance

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for R1. Though the defacto complainant has been served and her name is also printed in the cause list, she has not chosen to enter appearance either in person or through counsel.

2. The case of the prosecution is that the victims in this case had parted with money to the accused believing their assurance that they would be given permanent employment. There are totally 29 victims in this case. All of them appear to have paid not less than Rs.1,70,000/-. The case on hand is a classic case of job racketing. The allegations are very serious. However, as far as the petitioner is concerned, she is only the daughter of A2-Mukilan and A3-Bhuvaneshwari. Even as per the statements of the victims, the money was paid directly to A2 & A3. The petitioner was only said to have been present.

3. No specific role has been attributed to the petitioner



herein. It is not the case of the victims that the petitioner induced them to part with the amounts. There is considerable force in the petitioner's counsel's contentions that the victims wanted to implicate the entire family. Against the petitioner's parents who has been shown as A2 & A3, specific overt acts have been attributed. But that is not so in the case of the petitioner. Sins of the parents ought not to fall on the daughter. The continuation of the impugned prosecution against the petitioner will amount to an abuse of legal process. The impugned proceedings stand quashed as far as the petitioner is concerned. The benefit of this order will no way enure in favour of the other accused. Since it is a case of job racketing, the learned trial Magistrate is directed to conclude the case on merits and in accordance with law within a period of seven months from the date of receipt of a copy of this order.

4. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 No.2, Dindigul.

2. The Sub Inspector of Police,
District Crime Branch,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.8592 of 2021
11.01.2022

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KB(27.01.2022) 2P 4C