



Crl.O.P.(MD) No.10984 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.07.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10984 of 2022

Sethuramalingam

... Petitioner/ Accused No.2

Vs

1. The State Represented by
The Inspector of Police,
North Police Station,
Thoothukudi District.

... 1st Respondent/ Complainant

2. Mohammed Moideen Parith

... 2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the FIR registered as against this petitioner in Crime No.737 of 2021 pending investigation on the file of the first respondent police with respect to the petitioner.

For Petitioner : Mr.M.Mano Kumar

For R1 : Mr.A.Albert James
Government Advocate (Crl.Side)

For R2 : Mr.Bebin Jose



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.737 of 2021 for the offences punishable under Sections 406, 420, 294(b), 506(ii) IPC and 4 of TNPHW Act, dated 06.12.2021.

2. A case was registered against three accused viz., (1) Muthuraj (2) Sethuramalingam (3) Sahaya Hency. The learned counsel for the petitioner submitted that the defacto complainant and the petitioner/A.2 settled the matter out of the Court and the petitioner/A.2 received a sum of Rs. 5,00,000/- (Rupees Five Lakhs only) from the defacto complainant that was repaid by the accused. Hence, the offence under Section 420 IPC is compoundable one and hence, he wants to quash the case.

3. I have considered the submissions and perused the records.

4. A perusal of the records reveals that the case has been registered on the complaint given by one Mohammed Moideen Parith, S/o.Moideen Abdul Kadhar. The accused assured to get a job to the defacto complainant's



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wife - Noorjahan and received a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) from the complainant. After the defacto complainant had given Rs.5,00,000/- (Rupees Five Lakhs only) to the accused and also given a Rs.20,00,000/- (Rupees Twenty lakhs only). After receiving that amount, the accused did not obtain any job and cheated him. The offence is serious in nature of job racketing and cheated the innocent persons.

5. Considering the gravity nature of the offence being one of the offences is compoundable, the remaining offence is not compoundable and the job racketing and cheated the innocent persons. I am unable to accept the contention of the petitioners that the one of the accused returned a sum of Rs.5,00,000/- (Rupees Five Lakhs only) received from the complainant. I find no merit in this petition.

6. Accordingly, this Criminal Original Petition is dismissed.

22.07.2022

Internet: Yes./No
Index: Yes/no
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To

1. The Inspector of Police,
North Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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