



Crl.O.P.(MD)No.3376 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P.(MD)No.3376 of 2018

and

Crl.M.P.(MD)No.1577 of 2018

Geetha Nagapan

... Petitioner

/Vs./

1.The Inspector of Police,
Anna Nagar Police Station (L & O),
Madurai-20,
In Crime No.237 of 2015.

2.U.A.Kandhaiah
3.Suganya
4.Ramesh
5.Lathif
6.Karthika
7.Unnamalai

8.The Indira Gandhi National
Open University [IGNOU],
Represented by the Regional Director,
Regional Office, Madurai.

..Respondents

*[R3 to R7 impleaded as per order of this Court dated 18.10.2019
R8 suo motu impleaded as per order of this Court dated 17.03.2022]*

PRAYER:- Petition - filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with the impugned charge sheet filed by the first respondent in C.C.No.307 of 2015 in Crime No.237 of 2015 on the file of



Crl.O.P.(MD)No.3376 of 2018

the learned Judicial Magistrate No.VI, Madurai and quash the same insofar the petitioner/accused No.1 is concerned.

For Petitioner : Mr.K.K.Kannan
For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.Side)
For R3 : Mr.R.Sundar
For R5 : Mr.S.Tamilraj
For R7 : Mr.R.Sundar Srinivasan
For R8 : Mr.V.Panneer Selvam

ORDER

When the matter was taken up for hearing on 11.11.2022, this Court had passed the following order:-

“The quash petition was filed by the petitioner/A1 questioning the final report that was filed before the learned Judicial Magistrate No.VI, Madurai, which was taken on file in C.C.No.307 of 2015.

2. The main allegations that have been made against A1 is that the Institution was carrying on with the course without any recognition from IGNOU and in spite of the same, fees was collected from the Students and they did not get certificate and hence, a final report was filed against A1 and A2 under Sections 463 and 420 of IPC.

3. When the matter came up for hearing on 13.09.2022, this Court passed the following order :

"The learned Standing Counsel appearing on behalf of the impleaded 8th respondent sought for some time to take instructions and report to this Court as to whether the institution in



question viz., OCE College of Animation and Information Technology has been recognised by IGNOU. This clarity is required in view of the statement made by the Regional Joint Director, who was examined in the course of investigation as L.W.7.

Post this petition next week."

4. Thereafter, the matter was posed for hearing on 02.11.2022 and this Court passed the following order :-

"This Court directed the learned Standing Counsel appearing on behalf of the 8th respondent to take instructions as to whether the Institution in question has been recognized by IGNOU.

The learned Standing Counsel sought for some more time to get instructions.

The interim order granted by this Court and it was extended from time to time. The interim order already granted by this Court is further extended for a period four weeks.

Post this case finally, next week."

5. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of IGNOU produced the written instructions received from the Assistant Registrar of University. On carefully going through the same, it is seen that A2 was a registered Community College under the Community College Unit Scheme affiliated to IGNOU. It is further stated that A2 had collaborated with A1 and was offering professional programmes. However, A1 is not recognized by IGNOU.

6. The learned counsel for the petitioner submitted that the Students had registered only before A2 and they were sent to undergo



programme to A1 and ultimately, on completion of the course, they write the exams only in the name of A2, which is admittedly affiliated to IGNOU. It was further brought to the notice of this Court that the fifth respondent has already received the certificate on completion of the course and the seventh respondent discontinued the course in the midstream. Even the third respondent was actually registered as a Student only in the A2 Institution.

7. It is clear from the above that the Students had registered themselves before the A2 Institution and in view of collaboration between A2 and A1, the students were sent to A1 for undergoing the course. Hence, the fees was paid to A1. Ultimately, on completion of the course, such completion happens only under the aegis of A2 and the certificate is granted by IGNOU, since A2 is affiliated to IGNOU.

8. The learned counsel appearing on behalf of the third and fourth respondents sought for one last chance to take instructions, as to whether the third and fourth respondents have received the certificates after the completion of the course.

9. Post this case under the caption "part heard cases", on 17.11.2022. Registry is directed to print the name of Mr.S.Tamilraj, learned counsel for the fifth respondent in the cause list."

2.Today, when the matter was taken up for hearing, it was brought to the notice of this Court that both the third and fourth respondents had discontinued the course underwent by them in the A1 Institution. Now the provisional Certificate and the Mark Sheet of the third respondent were also returned back to the learned counsel appearing on behalf of the third respondent.



Crl.O.P.(MD)No.3376 of 2018

WEB COPY

3. The learned counsel for the third respondent submitted that directions must be given to the first and second respondents to repay back the money paid as fee. Issuance of such direction goes beyond the jurisdiction conferred under Section 482 of Cr.P.C.. If the third and fourth respondents are so advised, it is left open to them to independently proceed to recover the amount against A1 and A2.

4. In view of the above, no useful purpose will be served in proceeding further with the criminal proceedings as against the petitioner and continuance of the same will amount to abuse of process of Court and hence, the criminal proceedings in its entirety is liable to be interfered with by this Court exercising jurisdiction under Section 482 of Cr.P.C. In the result, the proceedings in C.C.No.307 of 2015 on the file of the learned Judicial Magistrate No.VI, Madurai is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

17.11.2022

Internet :Yes/No
Index :Yes/No
ta



Crl.O.P.(MD)No.3376 of 2018

N.ANAND VENKATESH, J.

ta

To:

- 1.The Inspector of Police,
Anna Nagar Police Station (L & O),
Madurai-20,
In Crime No.237 of 2015.

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

Order made in
Crl.O.P.(MD)No.3376 of 2018

Dated:
17.11.2022