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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**Cr1.O.P. (MD)No.17078 of 2021**

**and**

**CRL.M.P. (MD)No.9250 of 2021**

1. Rajeswari
2. Dinesh @ Dineshkumaran  
(Amended vide Order dated 04.01.2022  
in Cr1.M.P. (MD)No.9712 of 2021) ... Petitioners/Accused  
4 & 5

Vs.

1. The Inspector of Police,  
Crime Branch Criminal  
Investigation Department (OCU),  
Madurai.  
(Crime No.4 of 2021) ... 1<sup>st</sup> Respondent/Complainant
2. G.V.Chandrasekar ... 2<sup>nd</sup> Respondent/Defacto  
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceedings of the respondent police in Crime No.4 of 2021 as against the petitioners and quash the same as illegal.

For Petitioners : M/s.M.Subash Babu  
For R-1 : M/s.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor.  
  
For R-2 : M/s.S.M.P.Amalan

\* \* \*

**O R D E R**

Heard the learned counsel on either side.

2. This criminal original petition has been filed to quash the First Information Report in Crime No.4 of 2021 registered on the file of the first respondent.

3. The case of the prosecution is that the accused assured the defacto complainant that they would arrange a loan of Rs.75 Crores. Believing the words of the accused, the defacto complainant is said to have parted with a sum of Rs.1½ Crores representing 2% of the loan amount as commission. However, the assured loan amount was never disbursed. That led to registration of the impugned First Information Report for the offences under Sections 120B, 420 and 506(i) of I.P.C.

4. The petitioners herein are the wife and son of the principal accused. When the matter was taken up for hearing, the learned counsel appearing for the petitioners submitted that he would not press this quash petition as far as the first petitioner is concerned.

5. In view of the said statement, this criminal original petition is dismissed as regards the first petitioner. The first petitioner has to necessarily await the filing of final report.

6. However, there is no justification in arraying the second petitioner as accused. This is because, admittedly, he was a minor during the relevant time. He was studying in 10<sup>th</sup> standard. Therefore, the first respondent is directed to delete the name of the second petitioner herein.

7. This criminal original petition is partly allowed on these terms. Consequently, connected miscellaneous petition is closed.

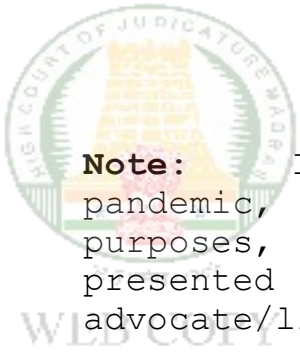
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Assistant Registrar

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/ /2022  
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To:

1. THE INSPECTOR OF POLICE,  
CRIME BRANCH CRIMINAL  
INVESTIGATION DEPARTMENT (OCU) ,  
MADURAI .
  2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI .
- + 1 CC. TO M/S.M.SUBASH BABU, ADVOCATE, SR.N.491

Cr1.O.P. (MD)No.17078 of 2021  
and  
CRL.M.P. (MD)No.9250 of 2021  
Dated: 04.01.2022

SP/27/01/2022/3P/4C