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Crl.O.P.No.10422 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10422 of 2021

1. P.Karthik Prabu
2. P.Ajithkumar

... Petitioners

-Vs-

1) The Inspector of Police,
Economic Offence Wing,
Villupuram District.
(Cr.No.05/2019)

2) S.Kalyana Kumar

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, praying to call for the entire records and quash the proceedings in J.C.No.102 of 2020 pending on the file of the Learned Juvenile Justice Board, Villupuram.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent 1 : Mr.A.Gopinath,
Government Advocate (Crl.Side),

For Respondent 2 : Mrs.R.Angalaparameswari



Crl.O.P.No.10422 of 2021

WEB COPY

ORDER

This Criminal Original Petition is filed to quash the proceedings in J.C.No.102 of 2020 on the file of the Learned Juvenile Justice Board taken cognizance for the offences under Sections 420 of IPC r/w.Section 4(1), 75(1) of the Chit Funds Act 1982.

2. The crux of the case is that the 1st accused and other accused has run the Monthly Chit Scheme and induced the general public to subscribe for a Month Chit Scheme to earn more profits. Thereby they collected a sum of Rs.17,59,530/- from the general public and they failed to repay the amount. On receipt of the complaint FIR was registered in Cr.No.05/2019 for the offences under sections 420, 406 of IPC Section 4(1) r/w.76(1) of Chit Fund Act, 1982.

3. The learned counsel for the petitioner submitted that crime of section as against these petitioners is attracted by their father. They acted upon by the words of his father i.e., the 1st accused. These petitioners did not know the consequences of offences committed by the 1st accused. Even according to the victims, these petitioners are being the sons of the 1st accused, collected the



Crl.O.P.No.10422 of 2021

money from the subscribers and they never induced the general public to subscribe the Monthly Chit Scheme with 1st accused.

4. The learned Government Advocate (Crl.Side) submitted that these petitioners are minors at the time of occurrence. They along with 1st accused induced the general public to subscribe the Monthly Chit Scheme. After collection of huge amount from the general public, they failed to repay the amount. In fact, these petitioners filed discharge petition before the learned Juvenile Justice Board, Villupuram and the same was dismissed as not maintainable.

5. Heard, the learned counsel appearing on both side.

6. On perusal of the records, it is revealed that, there are totally three accused in this case, in which these petitioners are arrayed as 2nd and 3rd accused. They are none other than the sons of 1st accused. They conducted Monthly Chit Scheme in the year 2015. They induced the general public to subscribe the Monthly Chit Scheme and cheated the general public. Accordingly, the victims had deposited to their respective chit to the tune of Rs.17,59,530/-. During the auction, the petitioners themselves in the public



Crl.O.P.No.10422 of 2021

name, received the Chit amount and thereby cheated the other subscribers.

Therefore, there are specific allegations as against these petitioners. Though they were minors, they are liable to be punished for the offences under sections 420, 406 of IPC Section 4(1) r/w.76(1) of Chit Fund Act, 1982. There are four victims and they alone lost their hard earned money with the petitioners. In fact, their confession statement also corroborated with the statements of victims. Therefore, there are materials available to attract the offences punishable under sections 420, 406 of IPC Section 4(1) r/w.76(1) of Chit Fund Act, 1982.

7. Therefore, this court cannot conduct mini trial by perusing the documents which are referred by the petitioners. This is not the stage, where the prosecution required to prove the charges, the charges are required to be proved during the trial on the basis of evidence required for prosecution.

8. Therefore, this court has not found, whether any sufficient materials available to proceed further as against these petitioners. There are materials to attract the charges as against these petitioners. In view of the above this court is not inclined to quash the proceedings in J.C.No.102 of 2020 pending on the file of the Learned Juvenile Justice Board, Villupuram.



Crl.O.P.No.10422 of 2021

WEB COPY 9.

Accordingly, this Criminal Original Petition is dismissed.

22.11.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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To

- 1) The Juvenile Justice Board,
Villupuram.
- 2) The Inspector of Police,
Economic Offence Wing,
Villupuram District.
- 3) The Public Prosecutor,
High Court Madras.

G.K.ILANTHIRAIYAN, J.

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CrI.O.P.No.10422 of 2021

CrI.O.P.No.10422 of 2021

22.11.2023