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Crl.O.P.No.5993 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.O.P.No.5993 of 2022
and Crl.M.P.No.3327 of 2022

Varsha Aswani

... Petitioner

Vs

1.The State rep by
The Inspector of Police,
Kundrathur Police Station,
Ambattur.
Crime No.266 of 2021.

2.Motcha Rackini

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records and quash the proceedings as against the
petitioner in Crime No.266 of 2021 pending on the file of the first
respondent.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent-1 : Mr.L.Baskaran
Govt. Advocate (Crl. Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to quash the proceedings as against the petitioner in Crime No.266 of 2021 pending on the file of the first respondent.

2. Heard Mr.M.Mohamed Riyaz, learned counsel for the petitioner and Mr.L.Baskaran, learned Government Advocate (Crl. Side) appearing on behalf of the State.

3. The learned counsel for the petitioner submitted that the petitioner herein has been arrayed as A2 in Cr.No.266 of 2021. The petitioner is a social worker and founded 'Born To Win' Research Foundation Trust for helping the community and use to assist needy groups. She also involved in creating awareness among the public about pollution caused by various sources. During the Covid-19 pandemic period, she assisted the needy people by collecting and delivering rice and other food products. While so, she got acquaintance with one Deepak Tater Jain/A1, who introduced himself as a founder of a magazine and



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pretended as if he has some influence in social media creations and also assured her to extend his support in helping the poor and needy people. Later, he asked the petitioner to join hands with him for Covid Hero Felicitation program conducted on 22.12.2020 at SPR City, Chennai, in which he has introduced her to the defacto complainant. Thereafter, the defacto complainant having known the motto of the petitioner's organization, invited the petitioner for an inaugural function of her organization namely, 'Happy Maids' held at Chennai, in which Deepak Tater Jain/A1 also participated. The defacto complainant informed the petitioner that the entire creative work for the said programme was made by Deepak Tater Jain. Later, the petitioner came to know about the acquaintance between the defacto complainant and Deepak Tater Jain. At this juncture, Deepak Tater Jain called the petitioner and informed that his bank account is not working and requested her to transfer a sum of Rs.2,00,000/- to the defacto complainant. Since there is a dispute between Deepak Tater Jain and the defacto complainant, the present complaint was lodged roping the petitioner as an accused in the said FIR for



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no fault on her part except the receipt of money from the defacto complainant and re-transferring of the same to Deepak Tater Jain. The learned counsel for the petitioner submitted that the petitioner herein has been arrayed as A2 in Cr.No.266 of 2021. He further submitted that the petitioner is a lady and she has no previous criminal antecedents and has also no nexus with the defacto complainant and hence, prayed to quash the FIR.

4.The learned Government Advocate submitted that the statements made in the complaint constitutes the offences for which a case has been registered against the petitioner herein along with other accused and hence, there is no basis for the petitioner to seek for quashing the same.

5. Considering the submissions made on either side and also taking note of the fact that the petitioner is a lady and also has no previous criminal antecedents and also that the FIR seems to be a male-fide one, this Court is of the view that the FIR is liable to be quashed.



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WEB COPY 6. In the result, the Criminal Original Petition stands allowed. Consequently, the case registered against the petitioner in Cr.No.266 of 2021 on the file of the first respondent herein is quashed. Connected Miscellaneous Petition is also closed.

22.12.2023

Internet:Yes
Index:Yes/No
vkr/DP

To

1. The Inspector of Police,
Kundrathur Police Station,
Ambattur.
2. The Public Prosecutor,
High Court of Madras.



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VIVEK KUMAR SINGH.J.,

vkr/DP

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