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Crl.O.P.No.8484 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8484 of 2023 and
Crl.M.P.No.5383 of 2023

B.Jayalekshmi

...Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai – 600 007.

2.The State Rep. by its
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai – 600 101.

3.S.Snekan

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records in Crime No.311 of 2022 on the file of the 2nd respondent Police and quash the same.

For Petitioner : Mr.L.K.Charles Alexander
For Respondents : Mr.S.Santhosh (For R1 & R2)
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.311 of 2022 on the file of the 2nd respondent Police and quash the same.

2.The learned counsel for the petitioner submitted that on the basis of the complaint given by third respondent First Information Report in Cr.No.311 of 2022 was registered for the offence under Section 420 and 465 I.P.C. Petitioner has not misused the name of Sneham Foundation. In fact, she formed a trust in the name of Sneham Trust. The registration number of Sneham Foundation and Sneham Trust are totally different. The Bank account numbers of Sneham Foundation and Sneham Trust are totally different. The petitioner has also given a complaint against the defacto-complainant / third respondent. On the basis of the complaint given by the petitioner, First Information Report in Cr.No.301 of 2022 was registered for the offence under Sections 294 (b), 509, 506 (i) I.P.C. Petitioner is unnecessarily harassed by registering this First Information Report. Therefore, this petition.



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3.The learned Government Advocate (Criminal side)submitted that petitioner filed anticipatory bail in Crl.O.P.No.3689 of 2023. That petition was dismissed after finding that petitioner had used the name of Sneham Foundation, Chennai.

4.Considered the rival submissions and perused the records.

5.The gist of the First Information Report allegations are that, third respondent formed the foundation namely, Sneham Foundation on 23.12.2015. This Foundation was recognized by Income Tax Department and the exemption certificate was given under Section 12 (AA) to Sneham Foundation under Section 80 (G) 5(VI) of the Income Tax Act. He has been using this Foundation for doing social service. Recently, he came to know that petitioner has used the name of Sneham Foundation illegally and collected money from general public. Third respondent had never ever collected money from general public. Therefore, the complaint was given



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and on that basis First Information Report in Cr.No.311 of 2022 was registered for the offences under Sections 420 and 465 I.P.C. Though the learned counsel for the petitioner submitted that petitioner never misused the name of Sneham Foundation, this Court finds from the order dated 24.02.2023 passed in Crl.O.P.No.3689 of 2023, this Court observed as follows:-

6.On a perusal of the documents filed by the petitioner at page Nos.39 and 41 of the typed set of papers, which are the photographs submitted by the petitioner, it is clear that the petitioner has used the name of the de-facto complainant. In another photographs, where the petitioner showing a poster, in which, it was printed as “Sneham Foundation, Chennai”.

6.Thus, it is seen from the aforesaid order that there is *prima-facie* material available to show that petitioner used the name of Sneham Foundation, Chennai, for collection of money. The First Information Report allegations make out case of commission of cognizable offences by the petitioner. Therefore, this Court is of the view that the prayer seeking quashment of the First Information Report in Crime No.311 of 2022 on the



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file of the 2nd respondent Police, cannot be entertained.

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7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

19.04.2023

Index: Yes/No
Speaking/Non speaking order
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To:-

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High Court of Madras.



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G.CHANDRASEKHARAN, J.

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