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Crl.O.P.No.10346 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.10346 of 2021 and
Crl.MP.No.6244 of 2021

1. J.S.Jayanthi
2. S.Narmatha Devi
3. S.Kavitha

... Petitioners/Accused 1 to 3

Vs.

The State rep. by

1. the Inspector of Police,
District Crime Branch Police Station,
Thiruvannamalai District.
(Crime No.19 of 2017)

2.C.Pandian

... Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the final report in FR-15 of 2019 dated 20.08.2019 in C.C.No.39 of 2021 on the file of the Judicial Magistrate – 1, Tiruvannamalai and quash the same as against the above named petitioners.

For Petitioner : Mr.P.Balamurugan

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

For 2nd Respondent: Mr.J.Antony Jesus



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ORDER

This Criminal Original Petition is filed to quash the final report in FR-15 of 2019 dated 20.08.2019 in C.C.No.39 of 2021 on the file of the Judicial Magistrate – 1, Tiruvannamalai.

2. The petitioners are the accused 1 to 3. The deceased 4th accused is the father of the accused 1 to 3. The 2nd respondent / Defacto complainant has filed a complaint by stating that the deceased / first accused was an ex-employee of TNEB and he was a leader of Employees Federation by name Anna Labour Union. The 2nd respondent along with 182 persons have given money to the deceased A4 on various dates on the assurance to get job from TNEB. After having received money, A1 did not secure any job to the victims. Subsequently, A4 died. The daughters of A1 who are the petitioners herein have knowledge about the receipt of money and have also played an active role in the offence of job racketing. After completion of investigation, charge sheet was filed against A1 to A4 for the offence under Sections 294 (b), 420, 120(b) r/w.418 of I.P.C.,



3. Heard the learned counsel for the petitioner, learned Government Advocate (Crl. Side) appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.

4. The learned counsel for the petitioners submitted that the father of the petitioners/A4 died on 31.08.2016. While A4 was alive, he was said to have executed a letter of undertaking for repaying the amount to a list of persons from whom he had received money. But the said letter of undertaking dated 31.07.2016, does not contain the signatures of the petitioners. The petitioners did not have any overt act in the alleged offence and they were not aware of the transaction said to have been taken place between the alleged victims and A4. Though there is no material available against the petitioners, charge sheet has been filed against them, subsequent to the death of the father of the petitioners, A4. Since the materials did not disclose any cause of action, it is unnecessary to subject the petitioners to undergo the ordeal of trial and hence the proceedings should be quashed.

5. The learned Government Advocate (Crl. Side) appearing for the 1st



respondent submitted that the witnesses have given statement that these petitioners were also present at the time when they gave money to their deceased father. Immediately after the death of A4, the persons who gave money to A4 went to their house and demanded money. It is further stated that the petitioners have also assured to get job for the persons who paid money and undertaken to return money if job is not secured. The trial has already been commenced and 10 witnesses were examined on the side of the prosecution. Hence, the petitioners should be directed to participate in the trial.

6. Admittedly, the father of the petitioners 1 to 3 viz., Sivagnanam / A4 was an ex-employee of TNEB and he was a leader of Employees Federation by name “Anna Labour Union”. A4 was said to have collected money from the 2nd respondent along with 182 persons on various dates on the assurance to get job from TNEB. However, he did not secure any job. It is the specific case of the complainants that after collecting a total sum of Rs.92,20,000/- A4 neither secured any job nor returned money to them. Hence, the complaint was lodged against the accused. It is the specific



contention of the petitioners that they are not aware of the amount collected by their father and hence there cannot be any criminality attached on them.

7. The records would show that there are materials to show that some of the victims who are shown as witnesses in the charge sheet, have given money to the father of the accused 1 to 3 on the assurance to secure a job for them. But neither job was secured nor money was returned. On 31.07.2016, A4 executed a letter of undertaking, promising to repay the amount from whom he received the money. A specific contention of the petitioner is that they have not signed in the document and hence they did not have any knowledge about the transaction between their deceased father and the complainants in connection with securing of job. But the witnesses have given statements that the money was given in front of the petitioners and they are also aware of the purpose for which the victim have given money to their father. If the petitioners claim that they have got nothing to do with the money received by their father and it was not in their hands, it is obligatory on the part of the petitioners to participate in trial and make suitable defence. Since many of the facts made by the petitioners are



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question of facts and the matter is part heard, the petitioners are advised to participate in the trial for the purpose of speedy disposal. However, on the request made by the learned counsel for the petitioners, the personal appearance of the petitioners 1 to 3 is dispensed with. It is needless to mention that in the event of passing any specific direction for appearance of the petitioners by the trial Court, it is obligatory on the part of the petitioners to make their presence.

8. With the above observation and direction, this Criminal Original Petition stands dismissed. Consequently, connected Criminal Miscellaneous Petition stands closed.

06.02.2023

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Index:yes/No
Speaking order / Non speaking order

To

6/8



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1.The Inspector of Police,
District Crime Branch Police Station,
Thiruvannamalai District.

2.The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA,J.

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