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CrI.O.P.No.9273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.9273 of 2023
and CrI.M.P.Nos.5978 & 5980 of 2023

1.Nithyanandham

2.Sankar Ganesh

... Petitioners

Vs.

1.The Inspector of Police
T-3, Korattur Police Station,
Ambattur Range,
Greater Chennai Police.

2.T.Krishnamoorthy

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the Criminal case in F.I.R. No.440 of 2019 on the file of the Inspector of Police, Korattur P.S. and quash the same by allowing this petition.

For Petitioners : M/s.Sushil Rajkumar

For Respondents : S.Santhosh (For R1)

Government Advocate (CrI side)



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ORDER

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This Criminal Original Petition has been filed to call for the records relating to the Criminal case in F.I.R. No.440 of 2019 on the file of the Inspector of Police, Korattur P.S. and quash the same.

2.The learned counsel for the petitioners submitted that petitioners are accused in Cr.No.440 of 2019 registered for the offences under Section 420, 406 and 506 (2) I.P.C. It is his further submission that the allegations that petitioners received money from the defacto-complainant on the promise of getting employment to his son is totally false. Further allegation that first petitioner Nithyanandham issued cheques for the amount received and that cheque got dis-honoured is also false. In fact, though the petitioners were arrested, the main accused Prem was not arrested. Defacto-complainant is pleading with the Police for not harassing the first accused Prem. Thus, this petition is filed for quashing the case in F.I.R. No.440 of 2019.

3.The learned Government Advocate (Criminal side) submitted that investigation in this case is almost completed and final report would be filed soon.



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4.Considered the rival submissions and perused the records.

5.It is seen from the First Information Report allegations that one Prem approached the defacto-complainant stating that he knew senior officers in Government Departments and he would get job to his son, if he pays money to them. Thereafter, he introduced Kathir @ Selva Ganapathy and Nithyanandam and also informed that they would be able to get job to his son in Government Department. As directed, defacto-complainant paid money to the account of Selva Ganapathy on various dates. Similarly, amounts were paid to one Srinivasan in his Bank account in 2017. One Sankar Ganesh and Deepak were introduced to him stating that they are officers in Karur Vysya Bank. Nithyanandam forced the Defacto-complainant to pay Rs.6,00,000/- for the bank job stating that the job is ready and also sent interview call letter dated 21.09.2017 through whatsapp. On the basis of his representation, a sum of Rs.6,00,000/- was paid to Nithyanandam on 18.09.2017. Then, he also informed that another senior post is available in Karur Vysya Bank and sent a letter dated 23.10.2017. Later it was found that these interview call letters are fake and forged letters. On 14.11.2017, Nithyanandam demanded a sum of



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Rs.6,00,000/- . On the basis of his representation, a sum of Rs.3,00,000/- was

given to Selva Ganapathy, Nithyanandam and two other persons. On 16.11.2017, Sankar Ganesh and Deepak came with one other person and received money. However, the accused have not secured the job to defacto-complainant's son. When the defacto-complainant enquired with the accused and demanded the money paid, accused did not pay the amount. When the defacto-complainant told them that he would give Police complaint, Nithyanandam issued a cheque bearing No.000006 dated 08.12.2017 for Rs.18,000/-. Then he issued three cheques for Rs.6,00,000/- bearing cheque No.000008, dated 24.03.2018, Cheque No.000007 dated 14.04.2018 and Cheque No.000009 dated 10.03.2018. These cheques were drawn on Standard Chartered Bank. When these cheques were presented for withdrawal, returned for the reason that signatures do not tally. When the defacto-complainant demanded the accused to pay the money, they made death threat. Therefore, the complaint was given and First Information Report came to be registered. The reading of the complaint allegations make out clear case of commission of cognizable offences by the petitioners, registration of the First Information Report under Sections 420, 406, 506 (ii) I.P.C. The allegations made in the complaint are required to be investigated.



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6. In this view of the matter, this Court finds there is no merits in seeking quashment of proceedings in F.I.R. No.440 of 2019 on the file of the Inspector of Police, Korattur Police Station. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

27.04.2023

Index: Yes/No

Speaking/Non speaking order

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To:-

The Inspector of Police
T-3, Korattur Police Station,
Ambattur Range,
Greater Chennai Police.



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G.CHANDRASEKHARAN.J.,

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