



Crl.O.P.No.20366 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

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and

Crl.M.P.Nos.11077 and 11079 of 2021

1. T. D. Birabavathi
2. T. D. Thathaji
3. T. D. Soniya
4. T. D. Banu

...Petitioners / A5 to A8

-Vs-

- 1.The State Rep. by,
Inspector of Police,
District Crime Branch,
Thiruvallur District.

... 1st Respondent / Complainant

- 2.Jothilingam

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to C.C.No.39 of 2019 pending on the file of the Judicial Magistrate Court, Thiruthani and to quash the same in so far as the petitioners concern.



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For Petitioners : Mr. A. Saravanan
For R1 : Mr. A. Damodaran,
Addl. Public Prosecutor
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.39 of 2019 on the file of the Judicial Magistrate Court, Thiruthani.

2. The case of the prosecution is that A1 in this case, one T.D.Naidu was the Founder and Managing Trustee of the DD Medical and Educational Trust and without obtaining proper permission from the Government, he had started a medical college and collected huge amount of fees from various students and cheated the students. The petitioners herein are his wife and children who have shared the common intention and they have also threatened the students.

3.The learned counsel for the petitioners submitted that the petitioners are arrayed as A5 to A8 and they are facing trial for the offences under Sections 406 and 420 of IPC, in C.C.No.39 of 2019 on



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the file of the learned Judicial Magistrate, Thiruthani. He further submitted that the first petitioner (A5) is the wife of the Managing Trustee (A1) and the alleged occurrence had taken place during the year 2011 and 2012, at that time, the petitioners 2 (A6) and 3 (A7) were minors and they were unnecessarily implicated in this case and the petitioners who happen to be the members of the Trust, have not signed any document or made any representation to the students or they have taken charge or colluded with A1 in the offence. He further submitted that the entire materials collected by the prosecution do not show any involvement of the petitioners in the alleged transaction or admission of the students for the year 2011-2012 and the final report is nothing but an abuse of process of law.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that the petitioners are the family members and members of one T.D.Naidu Trust and they have joined along with the Managing Trustee (A1) and had cheated several students and also spoiled their future. He further submitted that they have also actively aided and abetted the main accused in this case. There are materials against A1 and



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fairly submitted that there are no materials against the petitioners (A5 to A8).

5. This Court finds that the 1st accused and the petitioners have been prosecuted and many final reports have been filed against them based on individual complaints received from the students. The prosecution against the petitioners in similar final reports was quashed by this Court in Crl.O.P.Nos.9177 & 8442 of 2022 dated 28.06.2022 and in Crl.O.P.Nos.19766 and 19776 of 2022 dated 24.08.2022. Further, this Court following the observations made in those Criminal Original petitions, had quashed the proceedings in Crl.O.P.No.17535 of 2021 dated 09.06.2023.

6. The observations made in those orders are applicable to this case.

7. Accordingly the proceedings in C.C.No.39 of 2019 pending on the file of the learned Judicial Magistrate, Thiruthani is hereby quashed in so far as the petitioners (A5 to A8) are concerned and the Criminal Original Petition is allowed. The Trial Court shall proceed as against the



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remaining accused in accordance with law. Consequently the connected

Criminal Miscellaneous Petitions are also closed.

21.06.2023

dk

Index : Yes/No

Speaking order : Yes / No

Neutral Citation : Yes / No

To,

- 1.The Inspector of Police,
District Crime Branch,
Thiruvallur District.
- 2.The Judicial Magistrate, Thiruthani.
- 3.The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN,J.
dk



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