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Crl.O.P.No.22707 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 18.04.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.No.22707 of 2021**

**and**

**Crl.M.P.No.12355 of 2021**

J.Rajendran

... Petitioner

**Vs.**

1.The Inspector of Police,  
R6, Kumaran Nagar Police Station,  
Crime Branch, Chennai - 600 083.

2.S.Valli

...Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records and quash the proceedings against this petitioner in C.C.No.2597 of 2019 made on the charges by the respondent police in Crime No.1099 of 2018 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.V.Balu

For Respondents : Mr.A.Damodaran  
Additional Public Prosecutor  
for R1

R2 - No Appearance



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## **ORDER**

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This Criminal Original Petition has been filed to call for the records and quash the proceedings against this petitioner in C.C.No.2597 of 2019 filed by the respondent police on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai for the alleged offences under Sections 294(b), 406 and 420 of I.P.C.

2. It is alleged in the final report that accused No.1, who is running a School at Saidapet, had made an advertisement in a Tamil Daily on 23.07.2017, calling for application from Teachers. Thereafter, the defacto complainant and others had applied for the post of a Teacher in the said School; that the first accused directed the defacto complainant and others to make a deposit; that on the demand made by the accused No.1, the defacto complainant and others deposited various sums between Rs.2,00,000/- and Rs.4,00,000/-, depending on the post to which they were appointed; that the said money was deposited in the account of an NGO run by accused No.2; that the defacto complainant and others were working in the School and during the month of February, 2018, the petitioner did not pay salary and when they demanded the salary, the first two accused neither returned the



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deposit nor paid the salaries to them. It is alleged that the petitioner was the Head Master of the School and he had not informed the higher Authorities about the appointment of the Teachers and hence, he was also liable for the offences under Sections 294(b), 406 and 420 of I.P.C.

3 (a). The learned counsel for the petitioner would submit that there is no allegation in the impugned final report to show that A3 / the petitioner herein had any role in the alleged cheating said to have committed by A1 and A2. A3 was only working as a Head Master of the School. He was made to believe that the Teachers were appointed for training. The petitioner has no connection with the other two accused.

3 (b). The learned counsel for the petitioner also submitted that an enquiry was conducted by the Assistant Educational Officer, Corporation of Chennai. In his report dated 07.08.2019, he had stated that the petitioner had no role in the alleged cheating. Hence, the learned counsel for the petitioner prayed for quashing of the final report.



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4. The learned Additional Public Prosecutor submitted that the petitioner was also aware of the cheating committed by A1 and A2, since it is his duty to inform the Chief Educational Officer and the Assistant Educational Officer, about the appointment of the Teachers. However, the petitioner did not do so and hence, he is also liable for the offence. In any case, the learned Additional Public Prosecutor submitted that the points raised by the petitioner has to be adjudicated only during the disposal of the Quash petition.

5. This Court on perusal of the impugned final report, finds that A1 had collected money from the defacto complainant and others through an NGO run by A2. There is no allegation in the Charge Sheet, that A3 was benefited in any manner in the alleged transaction. The only allegation against A3 is that he did not inform, about the appointment of the Teachers, to either the Chief Educational Officer or the Assistant Educational Officer as required of him under the Rules. As regards this very same allegation, it appears that the Assistant Educational Officer had conducted an enquiry and found that the petitioner was not aware of the fact that the Teachers were appointed after collecting money by the other two accused. The



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enquiry report further reveals that the petitioner had no connection whatsoever with the NGO run by A2 and that A3 was not benefited monetarily in the said transaction. The allegation as stated earlier against the petitioner is that he did not inform the Authorities about the appointment of teachers. This allegation, which was subject matter of an enquiry in which it was found that the petitioner was not involved in the alleged transaction. Hence, for the aforesaid reasons, this Court is of the considered view that the impugned final report as against the petitioner is liable to be quashed.

6. Hence, the impugned complaint only in so far as the petitioner alone is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

**18.04.2023**

Index :Yes/No  
Internet:Yes/No  
Neutral Citation Case: Yes/No  
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To

- 1.The XXIII Metropolitan Magistrate,  
Saidapet, Chennai.
2. The Inspector of Police,  
R6, Kumaran Nagar Police Station,  
Crime Branch, Chennai - 600 083
3. The Public Prosecutor,  
High Court of Madras.



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**SUNDER MOHAN, J.**

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**18.04.2023**