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Crl.O.P.No.22071 of 2023
& Crl.M.P.No.15308 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.11.2023

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22071 of 2023
& Crl.M.P.No.15308 of 2023

C.Ravindran.

... Petitioner/1st Accused

/versus/

1. The Inspector of Police,
Team – IV, EDF – II,
Central Crime Branch,
Veppery,
Chennai – 600 007.

... 1st Respondent/Complainant

2. S.Venkatesh,

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., pleased to call for the records relating to C.C.No.4976 of 2023 on the file of the Learned Chief Metropolitan Magistrate, Egmore, Chennai and quash the same as against the petitioner.

For Petitioner : Mr.S.Anil Sandeep

For R1 : Mr.S.Udaya Kumar.
Govt. Advocate (Crl.Side)

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ORDER

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This Criminal Original Petition is filed to quash the criminal case pending against this petitioner herein before the Learned Chief Metropolitan Magistrate, Egmore, in C.C.No.4976 of 2023.

2. The petitioner who was former Vice President of the defacto complainant's Company is now charged for conspiracy, breach of trust and cheating. The main allegation as found in the final report and Section 161 of Cr.P.C., statement of witnesses indicates that, this petitioner has shared the Company password with A2 and A3, all three together conspired to cheat the defacto complainant's Company and thereby, had diverted the money sent to the Company to the tune of Rs.63 lakhs.

3. The Learned Counsel for the petitioner reading through the previous statement of witnesses submitted that, in the normal course of discharging the duty, for convenience sake, the petitioner herein had shared the password to some of the employees and A2 & A3 are among them. The petitioner had no knowledge or *mens rea* to cheat the defacto complainant's Company and



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there is no direct evidence that, a sum of Rs.63 lakhs of the defacto complainant's Company fund entrusted to this petitioner been misappropriated. The complaint as well as the statement of witnesses leading to filing a final report could indicate that, sharing a password by the petitioner herein with others has triggered the chain of alleged cheating and breach of trust. The statement of one Somasundaram, who was one of the customer of the defacto complainant's Company had narrated how the business of the defacto complainant's Company with them used to be done through online and he has also explained that the enquiry conducted by the defacto complainant for the reduced transaction between them brought to the light that fund of the defacto complainant been diverted by the accused persons. The final report against three persons including charge of conspiracy been laid. Therefore, the petition to quash the complaint with the available material cannot sustain. Hence, this Criminal Original Petition is dismissed. The trial Court is directed to complete the trial preferably within a period of six months. Consequently, connected Miscellaneous Petition is closed.

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Index :Yes/No.
Internet :Yes/No.

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DR.G.JAYACHANDRAN, J.

bsm

Copy to:-

1. The Learned Chief Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police, Team – IV, EDF – II,
Central Crime Branch, Veppery,
Chennai – 600 007.
3. The Public Prosecutor, High Court, Madras.

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