



WEB COPY



Crl.O.P.No.25867 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.25867 of 2019

and

Crl.M.P.No.13766 of 2019

1.P.K.Palanisamy

2.P.Sakunthala

...Petitioners / Accused Nos.1 & 2

-Vs-

1.The State Rep.by:

The Assistant Commissioner of Police,
Central Crime Branch,
Salem City.

... Respondent / Complainant

2.Deepa Rani

... Respondent / De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No.29 of 2014 on the file of the Judicial Magistrate Court – IV, Salem and to quash the same.

For Petitioners : Mr.K.S.Karthik Raja

For R1 : Mr.A.Damodaran,

Additional Public Prosecutor

For R2 : No Appearance



WEB COPY



Crl.O.P.No.25867 of 2019

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.29 of 2014 on the file of the Judicial Magistrate Court – IV, Salem, filed for the alleged offence under Sections 120(b), 403 and 420 IPC.

2.It is alleged in the final report that the petitioners who are father-in-law and mother-in-law of the deceased one Mohanavel; that the de-facto complainant is the wife of said Mohanavel; that the de-facto complainant received a sum of Rs.9,62,921 from the Life Insurance Corporation of India, as she was a nominee in the policy taken by her deceased husband Mohanavel; that the petitioners had falsely represented to the de-facto complainant that if she transfers the entire amount to the account of the petitioners, they can share the amount equally; that based on the said false representation, the de-facto complainant had transferred the amount received by her, to the account of the 1st petitioner; and that thereafter the petitioners did not make payment to the de-facto complainant as promised and thus committed the offence under Section 420 IPC. Hence, the complaint.



Crl.O.P.No.25867 of 2019

3.The learned counsel for the petitioners submitted that the dispute is between the parents of the deceased, Mohanavel and the wife of the deceased. There is no false representation made to the de-facto complainant and hence, the impugned final report is liable to be quashed.

4.The learned Additional Public Prosecutor submitted that on receipt of the money, the petitioners had deposited the money in the two fixed deposits of Rs.5,00,000/- each, by adding a sum of Rs.37,079/-. The learned Additional Public Prosecutor also submitted that the respondent police had issued instructions to the bank to freeze the said deposits, in view of the pending charge sheet.

5.When the matter was taken up for hearing on 10.04.2023, it was observed that the petitioners ought to have paid the de-facto complainant her half share from the money received from the Life Insurance Corporation of India.

6.The learned counsel for the petitioners then submitted that, since the account was frozen by the respondent, the petitioners were unable to



Crl.O.P.No.25867 of 2019

withdraw the amount and pay the de-facto complainant. This Court therefore gave an oral direction to the 1st respondent to defreeze the account.

7.However, today, when the matter was taken up for hearing, the learned counsel for the petitioners sought permission of this Court to withdraw this petition. The request of the learned counsel for the petitioners is declined by this Court as it is made after this Court had expressed its view on the matter.

8.This Court on a perusal of the impugned final report finds that the allegations attract the offence under Section 420 IPC, since the petitioners have made false representation to the de-facto complainant and had taken the entire sum of Rs.9,62,921/- received by her from the Life Insurance Corporation of India as a nominee for her husband's policy. Hence this Court is not inclined to entertain this quash petition. The original direction of the 1st respondent to freeze the account of the petitioners is restored. Accordingly, this Criminal Original Petition is dismissed. Connected Criminal Miscellaneous Petition is closed.



Crl.O.P.No.25867 of 2019

WEB COPY 9.This Court further directs the learned Judicial Magistrate – IV, Salem, to conduct the trial in C.C.No.29 of 2014 as expeditiously as possible and preferably complete it within a period of six months from the date of receipt of copy of this order.

17.04.2023

smv

Index : Yes/No

Speaking : Yes / No

Neutral Citation : Yes / No

To,

- 1.The Public Prosecutor,
High Court of Madras.
- 2.The Assistant Commissioner of Police,
Central Crime Branch,
Salem City.
- 3.The Judicial Magistrate – IV, Salem.



WEB COPY



Crl.O.P.No.25867 of 2019

SUNDER MOHAN,J.
smv

Crl.O.P.No.25867 of 2019
and
Crl.M.P.No.13766 of 2019

17.04.2023