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Crl.O.P.No.32792 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No. 32792 of 2019

and

Crl.M.P. No. 18066 of 2019

Vinayaka Missions Management
represented by the present Registrar
Dr.Jaykar, Son of K.S.Balasundaram,
NH – 47, Sankari Main Road,
Ariyanoor, Salem – 636 308.

... Petitioner

Vs.

1. The Inspector of Police
District Crime Branch, Salem

2. M.Selvakumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to FIR No.4 of 2013 on the file of the Inspector of Police, District Crime Branch, Salem and to quash the same.



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For Petitioner : Mr. L.Swaminathan
For Respondent 1 : Mr. A.Damodaran
Additional Public Prosecutor
For Respondent 2 : Ms. D.Kalaiselvi

ORDER

The petition is to quash the FIR in No.4 of 2013 on the file of the 1st respondent herein.

2. It is alleged in the FIR that the petitioner had admitted 43 students for pursuing offshore course at Rangsit University, Bangkok (Thailand); that after the students finished their studies in Bangkok and returned to India their applications to write MCI (Medical Council of India) examination were rejected as the course in Thailand was not recognised by MCI; that the students demanded the refund of fees from the petitioner and the petitioner did not refund the said money. Aggrieved over the same, the 2nd respondent has given a complaint



before the 1st respondent Police. On the said complaint, the FIR was registered for the offences under Section 406, 465, 468, 471 & 420 of IPC read with Section 74 of the Information Technology Act, 2000.

3. The learned counsel for the petitioner would submit that totally 43 students availed of the offshore programme. Though the petitioner was not obliged to refund the fees, on humanitarian grounds they paid compensation of Rs.25,00,000/- each to 15 students; 19 students underwent M.B.B.S course and they did not suffer any loss. However, in respect of the remaining 9 students, the petitioners could neither refund the fee nor find out whether they had undergone M.B.B.S, course.

4. The learned Additional Public Prosecutor submitted that it is true that the petitioner had made payments to most of the students including the defacto complainant. The defacto complainant had also agreed to withdraw the complaint against the petitioner. However, the learned Additional Pubic Prosecutor would submit that out of 43



students, 9 students are yet to be settled. The names of the 9 students are extracted hereunder:

“1. Mr.Kolluri Vijayakumar; 2.Mr. Vineet Kumar Jain; 3.Mr. Man Solanki; 4.Mr. Sai Raja Vaikunth; 5.Mr.Olympok Chatterjee; 6.Mr.Dinesh Raja; 7.Mr.Murali; 8.Mr.Anubav Kumar; and 9.Mr.Mohamed Saleem.”

5. The learned counsel for the petitioner at this juncture offered to deposit a sum of Rs.2.25 Crores (Rs.25,00,000/- as compensation for each student) to the credit of F.I.R.No.4 of 2013 and that in the event of any student claiming compensation, he can file appropriate application for withdrawal of the money deposited.

6. This Court on perusal of the impugned FIR finds that this is a case of students being aggrieved by the fact that MCI did not recognise the offshore programme offered by the petitioner and they had sought for refund of the course fees. The petitioner has considered the plight of the students and had paid compensation to 15 students; 19



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students completed M.B.B.S course and they did not suffer any loss.

The remaining 9 students had not made any claim so far. However, in the interest of Justice considering the fact that some students were compensated and in view of the offer made by the petitioner, this Court directs the petitioner to deposit Rs.2.25 Crores (Rs.25,00,000/- each per student) to the credit of FIR No.4 of 2013, ***within a period of 12 weeks from this day.*** On such deposit being made by the petitioner, the learned Judicial Magistrate VI, Salem shall deposit the said amount in nine interest bearing Fixed Deposits of Rs.25,00,000/- each, in any one of the Nationalised Banks. If any student whose name is found in the list above approaches the learned Judicial Magistrate VI, Salem for withdrawal of his share of the compensation, the Judicial Magistrate VI, Salem may disburse the amount of Rs.25,00,000/- with the accrued interest after giving notice to the petitioner herein. The student concerned shall file an affidavit disclosing his identity and giving proof of his payment of fees to the petitioner.



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7. This Court finds that the grievance of the defacto complainant and others on a reading of the FIR is that the course offered by the petitioner was not recognized. The defacto complainant had sworn to an affidavit agreeing to withdraw the complaint on receipt of compensation. It is also seen that certain other students were also paid compensation. Further, the petitioner has voluntarily offered to settle the nine students who have not approached the authorities yet.

8. Considering the facts and circumstances of the case, the nature of the allegation and the fact that the defecto complainant has agreed to withdraw the complaint, this Court finds no useful purpose will be served in keeping the FIR pending.

9. With the above observation, this Court is inclined to quash the impugned FIR. Accordingly, the petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs. In the event of petitioner not complying with his undertaking, this order would stand cancelled automatically.



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WEB COPY 10. Post the matter under the caption “*For Reporting Compliance*” on 04.07.2023.

18.04.2023

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

1.The Inspector of Police
District Crime Branch, Salem.

2.The Judicial Magistrate VI,
Salem.



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SUNDER MOHAN. J,

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