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Crl.O.P.No.1373 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1373 of 2023
and
Crl.M.P.Nos.765 & 767 of 2023

P.Ramalingam

...

Petitioner

Vs.

1.Inspector of Police,
Cyber Crime Police Station,
Ariyalur District.

2.M.Iyyappan

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of C.C.No.3237 of 2022 pending on the file of Judicial Magistrate Court No.II, Ariyalur District and quash the same.

For Petitioner : Mr. K.Natarajan

For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records of C.C.No.3237 of 2022, pending on the file of Judicial Magistrate Court No.II, Ariyalur District and quash the same.



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2.The learned counsel for the petitioner submitted that petitioner is an accused in Crime No.7 of 2022, for the offences under Section 420 IPC and Section 66D of Information Technology (Amendment) Act 2008, registered by the Ariyalur Police Station. There is no material available against the accused that he received money from the witnesses from whom he was said to have received the money on the guise of appointing them as agent for selling the crypto currency. In the absence of any material to show that money has been received by him, there can be no prosecution against the petitioner for the offences under Section 420 IPC and Section 66D of Information Technology (Amendment) Act, 2008. Thus, he prayed for quashing of C.C.No.3237 of 2022 against the petitioner.

3.In response, the learned Government Advocate (Crl.side) submitted that petitioner along with one Selvakumar had issued publication stating that there would be a meeting with regard to the crypto currency on 15.05.2022 at M.R.Marriage Hall in T.Pazhur village. There were promotions for the meeting and it is informed to the general public that if they pay Rs.2,000/-, they will get 200 coins in the VR ZAX App. The coin is named as Tron.



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Value of one coin is Rs.10/-, accordingly, 200 coins would be given. Value of these coins would increase every day and after one year, the value would reach more than Rs.1,00,000/-. The accused had also promised that Car and TV would be given to the subscribers. Based on the advertisement and representations made by the accused, the witnesses Deepa, Ilangovan, Uma, Ramadevi, Manikandan, Chockalingam and Parthiban have paid money to the tune of Rs.79,750/-, but nothing had happened as promised by the accused. When demanded the money back from the accused, they did not pay the amount. On the basis of a complaint given by M.Iyyappan, FIR in Crime No.7 of 2022, was registered for the offences under Section 420 IPC and Section 66D of Information Technology (Amendment) Act 2008. After completion of the investigation, final report was filed. Prosecution has collected the materials in support of the allegations made in the final report. The statement of the witnesses also support the allegations made against the petitioner in the final report. Thus, he prayed for dismissal of the petition.

4.Considered the rival submissions and perused the records. It is seen from the final report and other materials produced that petitioner along with co-accused Selvakumar, who is no more, had given advertisement in Social



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Media Network that a crypto currency awareness program would be conducted on 15.05.2022 at M.R.Marriage Hall in T.Pazhur village between 9.30 a.m. and 2.00 p.m. They promised the general public employment in the field of crypto currency, income generation etc., It was also promised that if they pay Rs.2,000/-, they will get 200 coins. Value of one coin is Rs.10/-, accordingly, 200 coins would be issued. Value of these coins would increase every day and the value would reach more than Rs.1,00,000/- within a year. It is stated that the witnesses Deepa paid Rs.2,000/-, Ilangovan paid Rs.2,000/-, Uma paid Rs.5,000/-, Ramadevi paid Rs.5,000/-, Manikandan paid Rs.41,250/-, Chockalingam paid Rs.21,000/- and Parthiban paid Rs.3,500/-. All these witnesses have also given statement along with the second respondent/defacto complainant stating that despite of paying money, there was no returns as promised by the accused. When the witnesses asked the petitioner as to how to sell the coin, he told them not to sell the coin. All the witnesses stated that though they paid the amount, they were not able to realise the worth of the coin given by the accused. When they asked to return the amount, accused failed to return the amount. Thus, the materials produced in this case show that the accused had cheated the public by using fake crypto currency coins and thus, collected money. A clear case of offences



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under Section 420 IPC is made out against the petitioner along with the other offences.

5.In this view of the matter, this Court finds that the prayer to call for the records of C.C.No.3237 of 2022, on the file of Judicial Magistrate Court No.II, Ariyalur and quash the same cannot be entertained and the Criminal Original Petition is dismissed.

6.Accordingly, this Criminal Original Petition is dismissed.
Consequently, connected miscellaneous petitions are also closed.

24.01.2023

sli
Internet:Yes
Index:Yes/No
Speaking/Non speaking order

To:

- 1.The Judicial Magistrate Court No – II,
Ariyalur District.
- 2.The Inspector of Police,
Cyber Crime Police Station,
Ariyalur District.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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