



WEB COPY



CrI.O.P.(MD)No.5047 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : **24.04.2023**

Delivered on : **06.06.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

CrI.O.P.(MD) No.5047 of 2020
and
CrI.M.P.(MD)No.2922 of 2020

1.Saraswathi

2.Algarsamy

3.Muthukumaran

(Petitioners 2 &3 are minors, they filed this petition
through their guardian of the first petitioner)

... Petitioners/accused Nos.2 to 4
Vs.

1.The State Rep. by

The Inspector of Police,

Mallankinar Police Station

Mallankinar, Virudhunagar District.

(Crime No.238 of 2018) ... 1st Respondent/ Complainant

2.Veerapandiya Kattapomman ... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the F.I.R in Crime No.239 of 2018, dated 28.09.2018, on the file of the first respondent and to quash the same insofar as the petitioners.



Crl.O.P.(MD)No.5047 of 2020

For Petitioners : Mr.R.Murugappan
For Respondents : Mrs.M.Aasha
Government Advocate (Crl.Side) for R1& R2
: Mr.C.Prabhu for R3

ORDER

This petition is filed to quash the F.I.R in Crime No.239 of 2018, on the file of the first respondent police.

2. The case against the petitioner is that the second respondent gave Rs.10,00,000/- to the first petitioner's husband for securing a job at the Southern Railways. The first petitioner's husband neither arranged the job nor returned the money to the second respondent. On 11.04.2018, the second respondent wife and his mother-in-law came to the house of the petitioner and they demanded the money back. The petitioners attacked them with stick and criminally intimidated them. A case in Crime No.239 of 2018, under Sections 420, 406, 294(b), 323, 506(i) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, was registered against the petitioners.

3. On the side of the petitioners, it is stated that the petitioners were falsely implicated in this case, even as per the wordings



in the F.I.R, the husband of the first petitioner alone has received the money. But, the second respondent was roped into the case. The petitioners had no knowledge about the transaction between the second respondent and the first petitioner's husband. The first petitioner's husband acted as a Mediator between the second respondent and the real person, who cheated the defacto complainant. On the complaint of the first petitioner's husband, another F.I.R in Crime No.443 of 2018 was registered on the file of the Aruppukottai Town Police Station, Virudhunagar District, under Sections 406 and 420 of I.P.C. The husband of the first petitioner was arrested and later he was released on bail, on his deposit of Rs.5,68,000/-, through the first respondent police, through the Inspector Muthuganesan and writer Balamurugan Rs.3,00,000/- was given to the second respondent and his wife-Chitra and her niece/nephew - Seetharaman received Rs.1,00,000/- and Rs.1,00,000/- was given by the first petitioner's father-in-law to the second respondent and the second respondent and his wife received Rs.50,00,000/- by one Moorthy, who cheated the first petitioner's husband and they received Rs.50,000/- from one of the relative of the petitioner, namely, Duraipandi. The entire amount was return back to the second respondent. The second and third petitioners are minors. They have no way connected with the money transaction. At the time of



occurrence, they had gone to play cricket with their friends and not in the place of occurrence and prayed the F.I.R to be quashed.

4. On the side of the second respondent, it is stated that the third respondent was minor at the time of registering the case, now, he is 18 years old, charge sheet was not yet filed. The complainant lost interest for the amount paid by him

5. On the side of the prosecution, it is stated that totally six accused involved in the case. The petitioners are A2 to A4. A1 is the paternal uncle of the complainant, he promised to arrange for a Southern Railway, Rs.10,00,000/- was given to him, A2 was the wife of A1. A3 and A4 were the sons of A1. The complainant gave money to A1. When the wife and mother of the complainant demanded back the amount, A1 was not in the house, A2 to A4 attacked them and criminally intimidated them. Specific overt act is against A2 to A4. A3 to A6 are not arrested so far. A1 and A5 were arrested. Rs.2,38,000/- was recovered from A1. A6 is the main accused. It is fairly admitted that A3 and A4 are minors at the time of occurrence.



Crl.O.P.(MD)No.5047 of 2020

6. It is seen that the petitioners 2 and 3 were minors at the time of occurrence. Even in the F.I.R., there is no allegation against the petitioners 2 and 3 regarding the job racketing transaction. No specific overt act was attributed against the petitioners 2 and 3.

7. In the above circumstances, this case with regard to the petitioners 2 and 3 is quashed. In the result, this Petition is partly allowed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Ls

06.06.2023

To

- 1.The Inspector of Police,
Mallankinar Police Station
Mallankinar,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.5047 of 2020

R.THARANI. J.

Ls

Pre-delivery order made in
Crl.O.P.(MD)No.5047 of 2020

06.06.2023