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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26/04/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.OP(MD)No.6073 of 2023

Vetrikondan : Petitioner/A5

Vs.

1.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai. : R1/Complainant

2.Kanti Makwana : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in Crime No.12 of 2017 on the of the first respondent police and quash the same against the petitioner.

For Petitioner : M/s.V.Sujatha

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**O R D E R**

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This criminal original petition is filed seeking quashment of the FIR in Crime No.12 of 2017 on the of the first respondent police.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he is doing diamond business and residing at Surat in Gujarat. On 11/12/2016 and 15/12/2016 he bought diamond from Surat and came to Thrissur, Kerala State and met one Suresh, who is a diamond merchant. At that time, Suresh told that he had some financial problem. So he introduced him to one Sonthosh and Tejoob K.David. He talked with them about the diamond business by showing that there is huge demand in Karaikudi area. So he went to Karaikudi, on 20/12/2016 from Thrissur to Karaikudi and stayed in the Hotel Malar. On 21/12/2016, they borrowed one pocket diamond telling to show the same to the customers and returned the same on the same day itself. On 22/12/2016 at about 11.30 am, some of the shop owners came to the Hotel and these persons asked him to show the diamond to the above said persons. Promising to



sell the same, they received Rs.31.15 carats valued at Rs.19,02,290.00/- He was also directed to wait in the Hotel room. In-spite of long wait, they did not return. Feeling that he has been cheated, he lodged a complaint. Upon which, a case in Crime No.12 of 2017 was registered for the offences under sections 417 and 420 IPC.

3. Seeking quashment of the same, this petition has been filed by the petitioner, who is arrayed as A5 stating that after a long day of 26 days, the complaint was given by the de-facto complainant and this petitioner is only a relative of A3-Tamilselvan; He got nothing to do with the above said occurrence.

4. Heard both sides.

5. It is an allegation of cheating. The diamond worth about Rs.19,02,290/- alleged to have been received by the accused persons promising to sell the same in the market or return the same after showing the same to the customers. Totally, five persons have been arrayed as accused.



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6.Perusal of the CD file shows that this petitioner also joined with other accused persons. He visited the de-facto complainant in the Hotel room in Karaikudi and involved in cheating.

7.During the course of the investigation, some of the persons have been arrested and others were enlarged on anticipatory bail. Whereabouts of A5 namely Arun is not known, whereas A2 to A4 have been arrested and no recovery has been made from them. A1, who alleged to have been received the diamond from the de-facto complainant was granted anticipatory bail. From him also, no recovery has been made. Now the investigation is almost completed.

8.It is the case of the prosecution that this petitioner has also actively involved in the above said entire occurrence. So, I am of the considered view that this petitioner has not made out a strong case for quashing the proceedings. I find absolutely no merit in this petition.



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9. In the result, this criminal original petition is
dismissed.

26/04/2023

Index:Yes/No
Internet:Yes/No
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To,

1. The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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