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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12/06/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.6840 of 2023
and
Cr1.MP(MD)No.5948 of 2023

R.Vetrivel : Petitioner/A3

Vs.

1.State rep.by
The Inspector of Police,
Town Police Station,
Aruppukottai,
Virudhunagar District.
(In Crime No.47 of 2023) : R1/Complainant

2.Thamaraikannan : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the Crime No.47 of 2023 on the file of the 1st respondent and quash the same as illegal and pass such further or other orders.

For Petitioner : Mr.R.Murugappan

For 1st Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

**ORDER**

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This criminal original petition has been filed seeking quashment of the FIR in Crime No.47 of 2023 on the file of the 1st respondent.

2.The case of the prosecution, as mentioned in the FIR, that the de-facto complainant has stated that one Selvaraj, S/o.Viswanathan was know to him for many years. He informed him that Hindustan Scouts & Guides recognised by Government of India, Ministry of Youth Affairs & Sports, proposed to appoint employees and stated that he is capable of getting appointment. That was also confirmed by his wife namely Gayathri. Believing the words of Selvaraj and his wife for the purpose of getting appointment for his wife, he paid Rs.6,00,000/-, on 23/11/2020, in turn, they introduced one Vetrivel, who belongs to a political party. In his account, he deposited Rs.3,00,000/-. The appointment order was given on the next day. His wife also joined duty. For about one year, she used to attend the office, but no work was given. When doubt raised, they made enquiry. At that time, they came to know that the above said Department is not a recognized one by the Central Government. They came



to know that they were cheated. From June 2020, she discontinued the work. The first accused and his wife promised to return the money. On 04/02/2023 at about 09.00 pm, when again, the de-facto complainant enquired the first accused Selvaraj about money, he was assaulted in a drunken mood, criminally intimidated and assaulted by stick. On the basis of the above said occurrence and issue, he lodged a complaint, upon which, a case in Crime No.47 of 2023 was registered for the offences under sections 406, 420, 323 and 506(i) IPC.

3.Now seeking quashment of the same, pending investigation, this petition has been filed by the petitioner on the ground that even as per the FIR, the allegation of his involvement is not mentioned; It has been simply stated that this petitioner was introduced to the de-facto complainant and his wife by A1 and A2; Even as per the allegation, the amount was deposited in his account only by A2. So, according to him, this petitioner is no way involved in the affair between the de-facto complainant and A1 & A2.

4.Heard both sides.



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5.A clear *prima facie* case of cheating, fabrication of records, etc. The de-facto complainant and his wife was made to believe that Hindustan Scouts & Guides, Department of Youth Affairs & Sports is a recognized Central Government Enterprise. They have also issued ID Card stating that Saranya, the wife of the de-facto complainant is working as Junior Guide Captain in the above said Department. Later, came to know that it is a fake one and the joining letter is also a created one, so also the appointment letter, etc. The document collected during the course of investigation, as mentioned above, shows *prima facie* ground for proceeding. Similarly, the payment of Rs.3,00,000/- from the account of this petitioner has also been recovered. The Bank details have also been collected. The investigation is underway. To stall the above said investigation, this petition has been filed, even without any basis materials. Even at that time of hearing the anticipatory bail petition, it was informed to the court that six previous cases have been registered against this petitioner and his contention before the bail court was that he was a former President of BJP SC/ST Wing and also



6. Whether the above said Association is a
 zed one or not is a matter for consideration by
 Investigating Officer. Whether the de-facto



7. When specific allegation has been made to the effect that Rs.3,00,000/- was deposited in the account of this petitioner and his involvement is alleged, the investigation must be taken to its logical conclusion. It is too a premature stage to entertain this petition. Simply, it has been stated that it is a political vendetta with a *mala fide* intention. Nothing more worthy consideration has been stated. So, I find no merit in this petition.

8. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

12/06/2023

Index: Yes/No
Internet: Yes/No

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To,

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

G.ILANGOVAN, J



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12/06/2023