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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07/06/2023

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

Cr1.OP(MD)No.6378 of 2023

and

Cr1.MP(MD)Nos.5579 and 5580 of 2023

Eswaran : Petitioner/A2

Vs.

1.State represented by
The Inspector of Police, (Crime)
Tallakulam Police Station,
Madurai City,
In Crime No.2022 of 2017 : R1/Complainant

2.D.Veerapandi : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings in CC No.1344 of 2022 on the file of the Judicial Magistrate Court No.II, Madurai and quash the same as illegal as far as the petitioner herein and pass such further or other orders.

For Petitioner : Mr.M.Kannan

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

**ORDER**

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This criminal original petition has been filed seeking quashment of the case in CC No.1344 of 2022 on the file of the Judicial Magistrate Court No.II, Madurai.

2.The case of the prosecution in brief:-

The de-facto complainant is residing in Madurai and also working as a Journalist in a Weekly Magazine. One Gokulnath was his friend and he was also working in the above said Weekly Magazine. They become acquaintance with one Eswaran, who was working as Field Assistant in the Tamil Nadu Electricity Board. The above said Eswaran introduced one Parthasarathy in 2016 to the de-facto complainant. At that time, the above said Veerapandi namely the de-facto complainant told Gokulnath that Parthasarathy is working in the Electricity Board and capable of arranging job in the Department. So believing the words, several persons approached the above said Parthasarathy and Eswaran and paid Rs.6,00,000/- in cash and some amount through banking transactions, totalling Rs.12,00,000/-. But later, the accused failed to arrange the job and cheated. Based upon the complaint, a case in



Crime No.2022 of 2017 was registered for the offences under sections 294(b), 406, 420 and 506(ii) IPC. After completing the formalities of investigation, final report was filed and it was taken cognizance in CC No.1344 of 2022 by the Judicial Magistrate No.II, Madurai.

3. Seeking quashment of the same, this petition has been filed by the petitioner on the ground that only the co-accused was having transaction with the de-facto complainant and he is noway involved in the above said affairs; Except the complaint of the de-facto complainant, no other material has been collected; During the course of investigation only, A1 gave an undertaking that he will settle the entire amount. So, according to him, this is sufficient enough for quashing the proceedings against him.

4. Heard both sides.

5. During the pendency of the investigation, this petitioner moved CrI.OP(MD)No.17956 of 2018 seeking quashment of the investigation and that was dismissed, finding that no interference is required. Later also,



filed CrI.OP(MD)No.11316 of 2019 seeking direction to file a final report. At that time, it was informed to the court that final report was already filed before the Judicial Magistrate No.II, Madurai, on 23/08/2019. Again, another attempt was made by the petitioner in CrI.OP(MD)No.2624 of 2022 seeking quashment of the criminal prosecution. Again at that time, it was submitted that the final report was filed and it was taken cognizance. All the above copies of the orders are enclosed in the petition.

6.This is the 4th attempt made by the petitioner on the above said grounds. This is a specific allegation to the effect that this petitioner also receiving money from the victims along with the above said Parthasarathy and how this petitioner is able to get over the above said specific allegation has been explained by him stating that during the course of investigation A1 himself gave statement that he will settle the entire amount. He would rely upon the documents that were enclosed by the de-facto complainant along with the complaint filed before the Judicial Magistrate No.2, Madurai.



7. But whether the above said undertaking is sufficient enough to discharge this petitioner cannot be a matter for consideration while exercising the jurisdiction under section 482 Cr.P.C. Even if, we take that if any undertaking has been given by A1, whether it will not exonerate the criminal liability cast upon the petitioner.

8. More-over, that documents must be proved properly at the time of trial. The offence of this nature should not be taken lightly. Cheating innocent victims promising to secure job illegally is a serious offence, which must be taken to its logical conclusion. Absolutely, I find no merit in this petition.

9. In the result, this criminal original petition is **dismissed**. Consequently connected Miscellaneous Petitions are closed.

07/06/2023

Index: Yes/No
Internet: Yes/No

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To,

- 1.The Judicial Magistrate No.II,
Madurai.
- 2.The Inspector of Police, (Crime)
Tallakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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