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Crl.O.P.No.5111 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.5111 of 2022
and Crl.M.P.No.2739 & 2741 of 2022

1.L.A.Karunakaran
2.Srivasistharaa Nadi Jodhida Nilayam
Flat No.11-C, First Floor, Door No.1, 4th Street,
Postal colony, West Mambalam,
Chennai-600 033.

... Petitioners

Versus

1.State rep. by,
Inspector of Police,
Central Crime Branch, EDF-I, Unit-2,
Veppery, Chennai-600 007.

2.Dr.Gowri Rathinavelar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records pertaining to C.C.No.4715 of 2020 on the file of CCB and CBCID Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioners	: Mr.S.Sarath Chandran
For R1	: Mr.S.Vinoth Kumar
	Government Advocate (Crl.Side)
For R2	: M/s.A.R.Sindhu

ORDER

This petition has been filed to quash the proceedings in C.C.No.4715

of 2020 on the file of CCB and CBCID Metropolitan Magistrate Court,
<https://www.mhc.tn.gov.in/judis>



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Egmore, Chennai, in which the cognizance was taken for the offences under

Sections 420, r/w 34 of IPC, 1860.

2. The case of the prosecution is that the defacto complainant got acquaintance with petitioner through her husband friend, the petitioner assured that if the money is invested in real estate business, it will fetch good returns in 5 to 6 years and it will benefit at that time of retirement believing the sweet words of the petitioner the defacto complainant has transferred amount to the tune of around seven crores and Sixty lakhs from 2009 to 2015 to the petitioner and his family members account for the purpose of purchasing land for real estate business and the petitioner had not purchased any land, when defacto complainant enquired through phone and her husband visited him personally and ask for refund of amount but the petitioner denied to return, hence the petitioner cheated her by saying good returns will fetch in real estate business and denied to return the money, hence she has been cheated by the petitioner and his family.

3. The learned counsel for the petitioners submitted that the petitioner is carrying out his profession of Jothidam in the name and style of Sri Vasista Nadi Jothidam, one Senthil Gnanaguru is the partner in the concern, their



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profession deals with Astrology which is a part of numerous subjects involve depth analysis of each and ever part of numerous subjects involve depth analysis of each and every part of human life Philosophy and its sanctitiy, it is firmly believed by several experts which also accorded the significance in the daily part of life. He further submitted that several persons like defacto complainant visited and got relief by the predictions and relief sought by the petitioner and the relief which offered by the petitioner would be relate to make some Parikaaram (Karma compensation) which will be suggested according to every individual life situation and it is open to the believers to carry out or ignore the above, such predictions are based on historical science that will work accordingly to one's own wills and beliefs.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that based on the complaint lodged by the defacto complainant, the case has been taken in C.C.No.4715 of 2020 on the file of CCB and CBCID Metropolitan Magistrate Court, Egmore, Chennai, for the offences under Sections 420, r/w 34 of IPC , 1860.

5. The de facto complainant is a doctor by profession, who approached



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the Court, and the petitioner gave a false promise that he would arrange the land in Chennai and also take care of the landed properties. Believing that, from 2009 to 2015, near about Rs. 7.70 Crores were sent. After that, she enquired and continuously assured that he would purchase the land and house property. Subsequently, when she questioned in the year 2010, he stated that his real estate business had ended in loss so he was not able to arrange the lands of the amount sent by RTGS. Accordingly, a complaint was given and a final report laid against the petitioner and his family members, under Sections 420, r/w 34 of IPC, in C.C.No.4715 of 2020. Against this, now the 1st petitioner/A1 filed a quash petition stating that he is an astrologer by profession. At the request of the de facto complainant, who is living in Australia, directed him to perform some Parikarams for which he sent some money on various occasions. But now, she falsely claims that he gave a false promise to arrange immovable property in Chennai. Furthermore, she sent some amount for the purpose of conducting marriages, poojas, as well as constructing temples, and he also produced some bank statements to prove his innocence. But all these show that they should be tried before the trial court to ascertain what comes across, then also to be proved by the petitioner. On prosecution, there is prima facie material of more than 7 crores sent by the de facto complainant to the



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petitioner and his family members through RTGS. This is the matter for trial;

therefore, I do not find any reason to quash the proceedings.

6. Therefore this Court is not inclined to quash the proceedings against these petitioners, in C.C.No.4715 of 2020 on the file of CCB and CBCID Metropolitan Magistrate Court, Egmore, Chennai.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous petitions are closed.

27.02.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No
rri

To

- 1.The CCB and CBCID Metropolitan Magistrate Court,
Egmore, Chennai
2. The Inspector of Police,
Central Crime Branch, EDF-I, Unit-2,
Veppery, Chennai-600 007.
- 3.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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