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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.9780 of 2024
and
Crl.M.P.Nos.6771 & 6773 of 2024

1.B.Prathiba
2.B.Devi
3.B.Anandhanarayanan @ B.Amarnath .. Petitioners

/versus/

1.State represented by
Inspector of Police,
District Crime Branch,
Villupuram District.

2.Mr.Senthilmurugan .. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in respect of the case registered in C.C.No.175 of 2018 on the file of the Judicial Magistrate No.I, Villupuram and quash the same in so far as the petitioners are concerned.

For Petitioners :M/s G.Bala and Daisy

For R1 :Mr.S.Udaya Kumar
Govt.ADvocate (Crl.Side)

For R2 :No appearance

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ORDER

The petition is filed to quash the case in C.C.No. 175 of 2018 arising out of the complaint given by one Senthil Murugan and registered in Crime No. 37 of 2011 dated 25.05.2011.

2.According to the complaint, the first petitioner B.Prathiba, enticed the defacto complainant to invest in the computer project which will give high returns within 12 months. Believing her words, he paid Rs.3,90,000/- on different dates to Prathiba but, in return, he got only Rs.63,000/- back. Thereafter, she refused to pay the money. Hence, the complaint.

3.The said case registered under Section 420 of I.P.C was pending for more than 7 years and final report has been filed only in the year 2018 and taken on file in C.C.No.175 of 2018. According to the learned counsel appearing for the petitioner besides inordinate delay in filing the final report there is no ingredient to attract Section 420 of IPC against the petitioners. In fact, the allegation in the complaint that the

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defacto complainant paid Rs.3,90,000/- on different dates has not been substantiated by any material evidence. That apart even assuming that she has parted away some money, the complaint was registered as against the first accused and not to the other two accused, who are the mother and brother of the first accused. He further submitted that the bald allegation against A2 and A3 that they threatened the defacto complainant, when he went to their house to get back his money, is not sufficient to proceed against A2 and A3. Further, the learned counsel also submitted that in the final report, it is stated that the first accused gave cheque for Rs.3,90,000/- but it got returned. However, there is no material to show whether any cheque was given to the defacto complainant.

4. This Court, on perusing the final report and the statement of the witnesses finds that there is no evidence for payment of Rs.3,90,000/- except the oral allegation of the complainant. Likewise, there is no evidence to show that A1 gave the cheque for Rs.1,10,000/- or Rs.1,30,000/- to one of the witnesses by name Geethalakshmi. In the

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said circumstance, this Court is of the view that the prosecution has not properly conducted the investigation and collected the material, which would constitute any cognizable offence to attract Section 420 of IPC.

5. In view of the above fact, this Criminal Original Petition is allowed and the case in C.C.No.175 of 2018 pending on the file of the Judicial Magistrate No.I, Villupuram, is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

12.07.2024

Index:yes/no
Neutral Citation:yes/no
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To:

1.The Judicial Magistrate No.I, Villupuram.

2.The Inspector of Police, District Crime Branch,
Villupuram District.

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DR.G.JAYACHANDRAN,J.

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