



Crl.O.P.No.11202 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.11202 of 2022

and

Crl.M.P.No.6425 of 2022

Venkatesan

... Petitioner

Vs.

1.The State represented by  
Inspector of Police  
Villupuram West Police Station  
Villupuram  
(Crime No.251/2017)

2.Senthil

... Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.72 of 2019, pending on the file of the learned Judicial Magistrate No.I, Villupuram and quash the same.

|                |                                                       |
|----------------|-------------------------------------------------------|
| For Petitioner | : Mr.C.D.Johnson<br>for Mr.M.Manigandan               |
| For R1         | : Mr.S.Vinoth Kumar<br>Government Advocate (Crl.Side) |
| For R2         | : No appearance                                       |



Crl.O.P.No.11202 of 2022

ORDER

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The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.72 of 2019, pending on the file of the learned Judicial Magistrate No.I, Villupuram, in which cognizance was taken for the offence punishable under Sections 417, 420 of IPC.

2. The case of the prosecution is the defacto complainant was acquainted with petitioner through one of his relative, the 2<sup>nd</sup> respondent have completed a course which is relevant to working in Railways and that he was in search for a job in railways, while so the petitioner have informed the 2<sup>nd</sup> respondent that he knows one R.Padmanaban, Chariman, All India Rail Safety Council, Delhi and demanded Rs.10 lakhs to secure a job in Railways and in continuation of the same, the petitioner took the 2<sup>nd</sup> respondent to the said R.Padmanaban at Chennai, introduced him by saying that he will arrange job in railways and believing the same, the 2<sup>nd</sup> respondent handed over the said sum of Rs.10 lakhs and thereafter as he assured, the petitioner did not secure a job to the 2<sup>nd</sup> respondent, instead of that he had returned a sum of Rs.3,50,000/- and failed to return the balance sum of Rs.6,50,000/- and thus he has committed the offence.



Crl.O.P.No.11202 of 2022

3. The learned counsel for the petitioner submitted that the defacto complainant approached the petitioner requesting to pay a sum of Rs.3,00,000/- as hand loan for his marriage, with promise to repay the same within 6 months. Though the petitioner initially refused, but due to his repeated requests and demands, the petitioner gave Rs.1,75,000/- and also issued a cheque for a sum of Rs.1,25,000/- in his favour. He further submitted that after 6 months, when the petitioner asked the defacto complainant to repay the money, but he replied that one Padmanaban received money from him and as soon as he received the same he undertook to repay the said amount and in order to make me to believe he entrusted some documents relating money transaction and correspondents between them. Believing his words, the petitioner patiently waited for some time. But, in order to escape from the legal liability of repayment of money to the petitioner, he lodged a false complaint before the respondent police.

4. The learned counsel for the 1<sup>st</sup> respondent submitted that the petitioner plays an active role in this case. He also submitted that the trial has been commenced and some of the witnesses have been examined.



Crl.O.P.No.11202 of 2022

5. Considering the submissions made by both side counsels, this Court declines to quash the proceedings in C.C.No.72 of 2019, pending on the file of the learned Judicial Magistrate No.I, Villupuram.

6. Accordingly, this Criminal Original Petition is dismissed and Consequently, the connected miscellaneous petition is closed.

26.02.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To.

1. The Judicial Magistrate No.I  
Villupuram

2.The Inspector of Police  
Villupuram West Police Station  
Villupuram  
(Crime No.251/2017)

3.The Public Prosecutor  
High Court of Madras  
Chennai 600 104



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Crl.O.P.No.11202 of 2022

T.V.THAMILSELVI, J.

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Crl.O.P.No.11202 of 2022

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