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Crl.OP.No.13616 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.13616 of 2024

and

Crl.M.P.No.8264 of 2024

K.Muthulakshmi

... Petitioner

Vs.

1. State Rep by Inspector of Police,
Kumaran Nagar Police Station,
Adyar, Chennai.
(Crime No.161 of 2024)

2. Sunthai

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to Crime No.161 of 2024 on the file of the first respondent Police herein and quash the same.

For Petitioner : Mr.N.Manokaran
for M/s. M.Prem Kumar

For Respondents : Mr.S.Udayakumar
Govt. Advocate (Crl.side) for R1

Mr.C.D.Johnson, for R2



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ORDER

The petitioner herein is the first named accused in Crime No.161 of 2024 dated 13.05.2024.

2. The content of the compliant given by Sunthai upon which the complaint registered indicates that the petitioner was introduced to the Defacto Complainant during the month of September 2020 by one Krishnaprathish, second named accused. Based on their inducement and one Soundarapandian joined together and made an investment of Rs.40,00,000/- in the on-line business assuring they will get 3% return. However, he was not paid any profit from the business as per the clause they promised to repay Rs.50,00,000/- during the year 2004.

3. When she repeatedly insisted for repayment Krishnaprathish and Muthulakshmi gave check for Rs.25,00,000/- each, those cheques on presentation were returned. Making specific allegations against this petitioner that she along with Soundarapandian and Krishnaprathish induced her to part away Rs.40,00,000/- from various case between September 2020 and July 2021 and when she demanded the money back



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Muthulakshmi gave cheque for Rs.25,00,000/-, the present complaint filed for offence alleging criminal breach of trust, cheating and intimidation.

4. The learned counsel for the petitioner submits that the petitioner does not know who the complainant Sunthai. When the Police called her for enquiry, she has clearly explained that she has no privity of contract or any transaction with the complainant. The Police also could not produce any document incriminating the petitioner for her to explain.

5. Under these circumstances, the complaint has to be quashed. It is admitted by the petitioner that the daughter of the Defacto Complainant, who is known to the petitioner requested to invest her money in business which could yield good returns. In the said course of action Kalaiselvi, the daughter of the defacto complainant and her friends transferred some amount into her Bank Account and that was in turn deposited in the account of Kalaiselvi, the daughter of the second respondent. Except this no other transaction has been done.

6. The learned counsel appearing for the Defacto Complainant



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states that the petitioner and her associates have cheated several persons like the defacto complainant and cases are pending against them in various Police Stations. However, when this Court put a pertinent question that what is the proof for paying Rs.40,00,000/- on various dates to this petitioner and others and proof for the cheque of Rs.25,00,000/- alleged to have been given by this petitioner, the learned counsel for the petitioner is unable to produce the document.

7. The learned Government Advocate also submits that till date the Defacto Complainant has not furnished document to substantiate the content of the complaint. However, in the course of the investigation, the Police has found that a sum of Rs.10,00,000/- has been transferred from the account of Kalaiselvi to the account of Muthulakshmi, the petitioner herein. But that transfer could not be co-related with the allegation made in the complaint about Rs.10,00,000/- between 20.11.2020 and 09.12.2020

8. From the materials placed, this Court finds that neither in the complaint nor the documents produced by the complainant, there is material to infer breach of trust or cheating. It appears the business



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transaction between the daughter of the Defacto Complainant and the petitioner is given a criminal colour.

9. Hence the petition to quash is allowed and the case against the petitioner in the Crime No.161 of 2024 on the file of the Inspector of Police, Kumaran Nagar Police Station, Adyar, stand quashed. Consequently, the connected miscellaneous petition is closed.

09.08.2024

jv

Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
Kumaran Nagar Police Station,
Adyar, Chennai.

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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Dr.G.JAYACHANDRAN,J.

jv

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