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Crl.O.P.No.18336 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18336 of 2023

And

Crl.M.P.Nos.12193 and 12194 of 2023

1.T.D.Prabavathi
2.T.D.Thathaji
3.T.D.Soniya
4.T.D.Banu

... Petitioners

Vs.

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

2.John Stepan

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating to C.C.No.106 of 2018 pending on the file of the Judicial Magistrate, Thiruthani and quash the same in so far as the petitioners concern.

For Petitioners : Ms.A.L.Gandhimathi
Senior Counsel
for M/s.G.Viswanathan

For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)
M/s.L.Arptha for R2



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ORDER

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This petition has been filed seeking to quash the proceedings in C.C.No.106 of 2018 pending on the file of the Judicial Magistrate, Thiruthani, in so far as the petitioners (A5 to A8) are concerned.

2.The case of the prosecution is that the defacto complainant was illegally admitted in D.D. Medical College and D.D. Hospital without getting any approval and by collecting capitation fees. Ultimately, the defacto complainant also lost the opportunity to go through the MBBS Course since there was no approval granted to the College. Thus, the defacto complainant claims that he has been cheated by the College. Based on the complaint given by the defacto complainant, an F.I.R. came to be registered in Crime No.43 of 2013 for the offence under Sections 406 and 420 of I.P.C. On completion of investigation, a final report has been filed before the Court below as against nine accused persons for the offence under Sections 406 and 420 of I.P.C. The petitioners who have been arrayed as A5 to A8 have approached this Court seeking for quashment of the proceedings on the ground that there are absolutely no materials against the petitioners to make them undergo the ordeal of facing the trial.



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3. Heard the learned Senior Counsel appearing on behalf of the petitioner, the learned Government Advocate (Crl. Side) appearing on behalf of the first respondent and the learned counsel appearing on behalf of the second respondent.

4. In the instant case, except the fact that the petitioners are stated to be the members of the Trust, there is no other material available to substantiate the involvement of the petitioners in running the Medical College. The petitioners are merely the family members of A1. Apart from this case, there were 13 other cases that were faced by the petitioners and all these cases have been quashed by this Court through various orders passed in Crl.O.P.Nos.9177 and 8442 of 2022 dated 28.06.2022, Crl.O.P.No.18906 of 2022 dated 22.08.2022, Crl.O.P.Nos.19766 and 19776 of 2022 dated 24.08.2022, Crl.O.P.No.17535 of 2021 dated 09.06.2023, Crl.O.P.No.20366 of 2021 dated 21.06.2023, Crl.O.P.No.23593 of 2021 dated 21.06.2023, Crl.O.P.No.19295 of 2021 dated 21.06.2023, Crl.O.P.No.21189 of 2021 dated 21.06.2023, Crl.O.P.No.24577 of 2021 dated 21.06.2023, Crl.O.P.No.17180 of 2021 dated 27.06.2023.



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5.The reasoning that was given in all the above cases is that there were absolutely no materials against these petitioners to attribute any involvement of the petitioners in running the Medical College. Hence, the proceedings were quashed. The same reasoning will apply to the present case also. Hence, the proceedings requires interference of this Court under Section 482 of Cr.P.C. in so far as the petitioners are concerned.

6.In the result, the proceedings in C.C.No.106 of 2018 pending on the file of the Judicial Magistrate, Thiruthani, is hereby quashed in so far as the petitioners (A5 to A8) are concerned and this criminal original petition is allowed. The Trial Court shall proceed further as against the other accused persons and shall complete the same, as expeditiously as possible. Consequently, the connected miscellaneous petitions are closed.

27.02.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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To

- 1.The Judicial Magistrate,
Thiruthani.
- 2.The Inspector of Police,
District Crime Branch,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
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Crl.M.P.Nos.12193 and
12194 of 2023

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