



Crl.O.P.No.21224 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.21224 of 2024 and
Crl.M.P.Nos.12172 and 12173 of 2024

Venkatesan

... Petitioner

Vs.

1.State

Represented by Inspector of Police
Kandachipuram Police Station
Villupuram District

2. Ms.S.Sharmila

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records and quash the proceedings in C.C.No.192 of 2024 pending on the file of the Judicial Magistrate-II, Villupuram.

For Petitioner	: Mr.S.Sivashanmugam
For 1 st Respondent	: Mr.S.Sugendran Additional Public Prosecutor
For 2 nd Respondent	: M/s.Lakshmi Raja



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ORDER

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This Criminal Original Petition has been filed by the petitioner to quash the proceedings in C.C.No.192 of 2024 pending on the file of the Judicial Magistrate-II, Villupuram.

2. The case of the prosecution is that the petitioner, the 1st accused, along with four other accused, claimed to be members of the Thiruppathur South Indian Organic and Food Producers Association, encouraged the women in the villages to form a women's association, so as to enable them to secure government loans for purchasing food processing machineries at a low price and to start business. Believing these claims, the defacto complainant, along with 12 other women from Kanakkankuppam village, entered into a Memorandum of Understanding (MoU) on 09.04.2021 with the accused company. The MoU was signed on behalf of the company involved in processing and packaging organic food items. According to the MoU, once the items were ready, the accused would purchase the organic food items from the



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defacto complainant at market rates. The agreement was to be valid for 10 years. But, after the loan was sanctioned, the accused, with an ill intention, diverted the funds to their account and failed to send or deliver the promised machineries. When the victims questioned the non-supply of the machineries, the accused eventually provided substandard machineries. These actions of the accused are said to constitute cheating and fraud, as the victims were misled to believe that they would receive quality machineries.

3. The learned counsel for the petitioner submitted that it is a case of contractual liability and as per the terms of contract, the petitioner has supplied the machinery and the same was also acknowledged by the defacto complainant. Therefore, the proceedings in C.C.No.192 of 2024 pending on the file of the Judicial Magistrate-II, Villupuram, has to be quashed.

4. The learned counsel for the private respondent/defacto complainant submitted that after registration of FIR, the accused had undertaken to return the money, whereas they failed to comply with the same.



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5. The learned Additional Public Prosecutor appearing for the 1st

respondent police submitted that after completion of investigation, since prima facie materials were found, they laid the charge sheet against the petitioner for the offence under Sections 420, 406, 409 and 417 IPC and now the case is at the stage of summons.

6. A perusal of the charge sheet and also the statement recorded from the witnesses shows prima facie allegations. Further, whether the machineries were supplied as per the contract or not that can be decided only after recording evidence and after completion of trial and not at this stage. Hence, this Court is not inclined to quash the proceedings in C.C.No.192 of 2024.

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

8. The petitioner is at liberty to take all his defence before the learned Magistrate during trial.



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9. Further, the learned Judicial Magistrate-II, Villupuram, is directed to expedite the trial in C.C.No.192 of 2024 and dispose of the case within a period of six months from the date of receipt of a copy of this order.

12.11.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To.

1. The Judicial Magistrate-II,
Villupuram.
- 2.The Inspector of Police
Kandachipuram Police Station
Villupuram District
3. The Public Prosecutor,
High Court of Madras.



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P.VELMURUGAN. J.

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