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CrI.OP.No.22457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.22457 of 2024

and

CrI.MP.Nos.12799 and 12800 of 2024

V.Sowrinathan

.. Petitioner

Vs.

1. State of Tamilnadu
rep. By The Inspector of Police,
T.6, Avadi Police Station,
Avadi, Chennai.

2. Ponmathi

.. Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the entire records relating to the proceedings in C.C.No.62 of 2024 on the file of Judicial Magistrate-II, Poonamalle and quash the same.

For Petitioner : Mr.C.Uma Shankar

For Respondents :Mr.K.M.D.Muhilan,
Government Advocate (CrI.Side)
for R1



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ORDER

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2. The case of the prosecution is that the son of the petitioner who was employed as Cashier in Velammal Vidyalaya at Avadi and entrusted with responsibility of collecting fees from the students through on-line had misappropriated to the tune of Rs.51,83,900/- by collecting the money through Google pay. So far, 319 students been cheated by the petitioner's son by issuing fake receipts.

3. Investigation conducted by the respondent police had revealed that the petitioner herein who is the father of the prime accused Robinson along with Nancy Chandra, wife of Robinson had conspired to cheat by fabricating receipts and misappropriate the money entrusted. Final report has been filed for offence under Sections 406, 420, 468, 471 IPC r/w 120B IPC.

4. The learned Senior Counsel appearing for the petitioner submits



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that the petitioner herein is the father of the said Robinson who alleged to have misappropriated money of the defacto complainant's school.

Except the said relationship and the said Robinson is living with him in the same house, there is no other material to implicate this petitioner in the said crime. It is only based on the confession statement alleged to have been given by the accused, this petitioner been roped in.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the case of conspiracy between the family members to cheat the defacto complainant and thereby around Rs.51,00,000/- been misappropriated. Fake receipts were issued to the students. Money been disbursed among the accused persons. During the course of investigation, this petitioner infact admitted the misappropriation and repaid Rs.3,00,000/- to the defacto complainant.

6. Being a case of conspiracy which has been hasty in secrecy, the prosecution will prove the case against the petitioner through circumstantial evidence which has been collected in the course of the investigation. This Court considering the materials placed by the prosecution finds no reason to interfere in the trial court . Hence, this



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Criminal Original Petition to quash the complaint against this petitioner stands dismissed.

7. The learned Senior counsel appearing for the petitioner states that the petitioner has sustained injury by accident fall and he has been admitted as in-patient till recently, his mobility is substantially curtailed. Hence, his physical appearance before the Court below may be dispensed with.

8. Considering the above requests, the Court below shall entertain application from the petitioner for dispensing his personal appearance and pass appropriate order based on the records. Consequently, the connected miscellaneous petitions are closed.

12.09.2024

Vv

To



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1. The Judicial Magistrate-II,
Poonamalle.
2. The The Inspector of Police,
T.6, Avadi Police Station,
Avadi, Chennai.
3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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