



CrI.O.P.No.83 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.83 of 2022

and

CrI.M.P.No.46 of 2022

V.Senthil

.. Petitioner

Vs

1 The State rep. by
The Deputy Superintendent of Police,
Economic Offences Wing II,
Coimbatore.

- 2 A.Ganesan
- 3 G.Manjunath
- 4 P. Parameshwari
- 5 V. Kanagasabapathy
- 6 N. Ramaraj
- 7 B. Kanagambal
- 8 S. Shanmugam
- 9 Sumathi Shanmugam
- 10 A. Krishnamoorthy
- 11 S. Rajeshwari
- 12 P.K. Seshadri
- 13 G. Parvathi
- 14 K. Gopal



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15 G. Kirankumar
16 G. Baavya
17 R. Sundari Ramadasan
18 N. Dhandapani
19 A. Alexander
20 Afried Koilpillai
21 Leela Koilpillai
22 Jayasekaran
23 K. Chandraguptha
24 S. Janaki
25 S. M. Gomathi
26 S. Sangarakrishnan
(R2 to R26 are impleaded as per
order in Crl.M.P.No.15104/2022
dated 29.09.2022)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the records in C.C.No. 2 of 2015 on the file of the Judicial Magistrate-I, Coimbatore and to quash the same.

For Petitioners : Mr.B.Kumar,
Senior Advocate for
Mr. R.Loganathan

For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

R2 – Service awaited



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ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 2 of 2015 on the file of Judicial Magistrate, Coimbatore.

2. Heard both sides.

3. The petitioner is ranked as A3 in the F.I.R. in Crime No.2232 of 1996 registered against the petitioner for the offence under Sec.420 of I.P.C. and also under Sec.5 and 6 of Prize Chits and Money Circulation Scheme (Banning) Act, 1978. Subsequently, the charge sheet has been filed and the same was taken on file in C.C.No.2 of 2015 on the file of Judicial Magistrate, Coimbatore and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet.

4. The learned counsel appearing for petitioner would submit that he is only an employee under A1's company and the entire amount was collected by A1 company. He would also submit that during pendency of proceedings, A2 died, as such his company became defunct. He would submit that as an employee, the petitioner herein is no way connected



with the offence as alleged in the complaint and no fault against him, he was implicated in this case. However, to show his bonafide, he has deposited a sum of Rs.3,35,000/- along with interest as directed by this court.

5. The learned Government Advocate (Crl. Side) appearing for 1st respondent raised objection stating that the petitioner is not an employee, but in fact, he is one of Director of company, however there is no prima facie materials to show that he was a Director of A1 company. Hence, he prayed to dismiss this petition.

6. On considering the entire facts, it reveals that A1 company viz., Devi Gold House by giving false promise collected the amount from 25 depositors with fancy interest. Subsequently, they have failed to pay the same. Hence, the criminal case came into force. During the pendency of proceedings, A2 died and A1 company also not functioning. As per the contentions of petitioner's counsel, he worked as a Salesman of defaulter financial establishment. However, on considering subsequent developments, it would clearly reveals that A2 was died. So, the charge as against A1 and A2 become abates and there is no proof that the



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petitioner is also one of the Directors of company. Furthermore, the reasons assigned by the petitioner to deposit the amount, as such is justifiable one. Since the amount was deposited as per the order of this court dated 19.01.2024 to show his bonafide, there is no ingredient to attract the offence initiated against the petitioner. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated in the charge sheet in C.C.No.2 of 2015 against the petitioner is quashed. However, the trial court is directed to disburse the amount to the depositors by sending notice to them as per manner known to law within a period of eight weeks from the date of receipt of copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

20.02.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Deputy Superintendent of Police,
Economic Offences Wing II, Coimbatore.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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