



CRL.O.P.No.9583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.No.9583 of 2024

and

CrI.M.P.No.6653 of 2024

1. Vaishnavi
2. Selvam

... Petitioners

Vs.

1. The State Represented by
Deputy Superintendent of Police,
Economic Offences Wing, Salem.

2. Suganthan

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to quash the charge sheet dated 17.02.2023 filed in C.C.No.02 of 2023 pending before the learned Special Judge under TNPID Act 1997 at Coimbatore filed by the Salem EOW Cr.No.04/2021 u/s. 120(B), 420 IPC & Section 5 of TNPID Act and Section 120(B) 420, 406 IPC and Section 5 of TNPID Act with respect to the First Petitioner



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and the Second Petitioner only.

For Petitioners : Mr.G.Arivarason

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

This criminal original petition is filed to quash the charge sheet dated 17.02.2023 filed in C.C.No.02 of 2023 pending before the learned Special Judge under TNPID Act 1997 at Coimbatore filed by the Salem EOW Cr.No.04/2021 u/s. 120(B), 420 IPC & Section 5 of TNPID Act and Section 120(B) 420, 406 IPC and Section 5 of TNPID Act.

2. The case of the prosecution is that the first accused namely Raja @ Divakar (A1) in order to provide employment has assured to supply machineries for cloth cutting and also promised to supply clothes once a week to the *de facto* complainant. Believing the words of the accused, the *de facto* complainant paid a sum of Rs.1,99,000/- by way of cash. When the *de facto* complainant repeatedly requested the accused to provide clothes to do the said work which was assigned to him, however, the accused failed to do the same and has also expressed his



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unwillingness to cancel the agreement in which the accused promised to repay the money and get back the machine provided to him. Hence, the accused persons were implicated in Cr.No.04/2021 for the offences u/s. 120(B), 420 of IPC & Section 5 of TNPID Act, 1997 u/s. 120(B) 420, 406 of IPC and Section 5 of TNPID Act. The prosecution has filed a charge sheet against the petitioners. Seeking to quash the same, the petitioners have filed the present petition.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation as against the petitioners. The learned counsel appearing for the petitioners submit that this Court may consider to dispense with the personal appearance of the petitioners before the court below.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that there are materials available to proceed with the case as against the petitioners herein and at the



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threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners, if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charges framed against them as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against them. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*** .

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.02 of 2023 on the file of the Learned Special Judge under TNPID Act, 1997, Coimbatore. Accordingly, this Criminal Original Petition is dismissed. Taking into consideration the request as made by



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the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petition is closed.

22.04.2024

Index: Yes/No

Internet: Yes/No

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M.DHANDAPANI , J.

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To

1. The Deputy Superintendent of Police,
Economic Offences Wing, Salem.
2. The learned Special Judge under TNPID Act 1997 at Coimbatore
3. The Public Prosecutor,
High Court, Madras.

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