



Crl.O.P.(MD) No.5099 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.5099 of 2021

and

Crl.MP(MD)Nos.2925 & 2928 of 2021

Malaiselvam @ Muhtuselvam ... Petitioner / Accused No.5

Vs.

The State rep by

1.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
In Crime No.1 of 2014

... 1st Respondent / Complainant

2.R.Kennedy

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the entire records relating to the impugned Charge Sheet in C.C.No.9 of 2015 on the file of the learned Judicial Magistrate No.II, Ramanathapuram District and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.D.Anbarasu

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

WEB COPY Seeking to quash the final report in C.C.No.9 of 2015 on the file of the Judicial Magistrate No.II, Ramanathapuram District, the present petition is filed by A5.

2. The case of the prosecution, in a nutshell, is as follows:-

On 10.01.2014, at about 10.00 p.m, the first respondent police found the accused 1 to 4 standing near Ervadi Colony Bus Stop, Ramanathapuram, suspiciously. When they were enquired by the police, they gave answers which were not to the satisfaction of the police. On search, they were found in possession of 98 numbers of Brasil Currency. The enquiry revealed that they were trying to convert the same into Indian Currency. Suspecting the genuineness of the foreign currency notes which was also beyond the permitted limit, the police arrested the accused and registered FIR in Crime No.1 of 2014 for the alleged offences punishable under Sections 420 and 511 of IPC on the same day itself. During investigation it came to light that the currency notes had validity till the year 1989. After concluding investigation, the Inspector of Police, District Crime Branch, Ramanathapuram District filed a final report in C.C.No.9 of 2015 against the accused Nos.1 to 6 for the alleged offences punishable under Sections 420 and 511 IPC.



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3.Mr.D.Anbarasu, the learned counsel appearing for the petitioner would contend that except the confession statement of the co-accused i.e., A1, no other materials are placed before the trial Court to show that the present petitioner was also involved in the commission of offence alleged by the prosecution. His further contention is that the petitioner is an auto driver and that a false case has been foisted against him.

4.Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Crl.Side) appearing for the first respondent would contend that the police after conducting proper investigation, laid a final report and therefore, there is no good ground to quash the same.

5.In this case, the police had seized 98 numbers of foreign currency notes of Banco Central Do Brasil 500, 85 numbers of Black colour sheet and two cell phones from the accused on 10.01.2014, at about 10.30 a.m. It is stated that they were in possession of foreign currency notes beyond the permitted limit. However, all of them were arrested and currency notes were seized. During the course of investigation, it came to light that the currency notes lost its validity even in the year 1989. Based on the confession of the first accused that they wanted to convert the currency



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notes with the help of the present petitioner(A5), who is an auto driver, final report was filed against the present petitioner also for the alleged offences punishable under Sections 420 and 511 of IPC.

6.It is seen that there are no materials available on record to show that the present petitioner also conspired with the other accused to convert the foreign currency notes into Indian Currency. The allegations against the present petitioner are vague.

7.Therefore, the Criminal Original Petition is allowed and the final report, in C.C.No.9 of 2015, pending on the file of the learned Judicial Magistrate No.II, Ramanathapuram District, is hereby quashed insofar as the petitioner herein is concerned. Consequently, connected miscellaneous petitions are closed.

08.03.2024

Index : Yes/ No
Internet : Yes/No
NCC : Yes / No
dss



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To

The Judicial Magistrate No.II,
Ramanathapuram District.



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R.HEMALATHA, J.

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