



Crl.O.P.(MD) No.9712 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

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THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.9712 of 2021

and

Crl.M.P.(MD) Nos.4958 & 4960 of 2021

J.Nowshath

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
District Crime Branch,
Karur District.
In Crime No.16 of 2020

2.Kumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to the Charge Sheet filed by the police for the alleged offences under Sections 294(b), 406 (3 counts), 420 (3 counts) & 506(i) of IPC, in C.C.No.202 of 2020, on the file of the Judicial Magistrate No.I, Karur and quash the same as illegal as against the petitioner.

For Petitioner : Mr.M.Maran

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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For R2 : No appearance

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ORDER

Seeking to quash C.C.No.202 of 2020 on the file of the Judicial Magistrate No.I, Karur, the present Criminal Original Petition is filed.

2. The case of the prosecution is that the petitioner/accused received a sum of Rs.10,70,000/- from the second respondent/*de facto* complainant and two others stating that he would double the money by purchasing Bitcoin (Cryptocurrency) and also investing in share market. Believing the words of the present petitioner/accused, the second respondent/*de facto* complainant and two others handed over a sum of Rs.10,70,000/- to the petitioner/accused. Since the said amount was not re-paid by the present petitioner/accused as promised by him, the second respondent/*de facto* complainant lodged a complaint with the Inspector of Police, District Crime Branch, Karur which came to be registered as F.I.R. in Crime No.16/2020 on 29.01.2020. The police after completing investigation laid a final report before the Judicial Magistrate Court No.I, Karur in C.C.No.202 of 2020 against the present petitioner/accused for the offences punishable under Sections 294(b), 406, 420 & 506(1) of IPC.



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3. Mr.M.Maran, learned counsel for the petitioner would contend that the petitioner/accused is a photographer by profession and he borrowed a sum of Rs.3,00,000/- from the second respondent/*de facto* complainant and also issued a cheque in his favour. According to him, the second respondent/*de facto* complainant misused the said cheque and also demanded higher rate of interest for the amount lent by him. According to him, the case of the prosecution is false and prayed for quashing the final report.

4. Mr.R.M.Anbunithi, learned Additional Public Prosecutor for the first respondent, on instructions, would contend that the police after conducting investigation laid the final report and that out of 12 witnesses on the side of the prosecution, 3 witnesses have already been examined and the case now stands posted for examination of other witnesses. His contention is that there is no good ground to quash the final report.

5. A perusal of the final report shows that the petitioner/accused had obtained a sum of Rs.10,70,000/- from P.W.1 to P.W.3 and promised them that the said amount would be doubled by purchasing Bitcoin and investing in share market. Three witnesses have already been examined



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by the prosecution before the Judicial Magistrate No.I, Karur. It is not the case of the petitioner/accused that witnesses so far examined have not supported the case of the prosecution.

6. The contention of the petitioner/accused that he borrowed a sum of Rs.3,00,000/- from the second respondent/*de facto* complainant and the second respondent/*de facto* complainant demanded a higher rate of interest cannot be accepted as this Court cannot, without sufficient materials, presume certain facts.

7. In the circumstances, I do not see any reason to quash the C.C. Thus, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

01.02.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
JEN



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To

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- 1.The Judicial Magistrate No.I,
Karur.
- 2.The Inspector of Police,
District Crime Branch,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA, J.

JEN

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