



CrI.O.P.(MD)No.12083 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.12083 of 2022

and

CrI.M.P(MD).No.7641 of 2022

1.Lakshmi

2.Sivakumar

... Petitioners

Vs.

1.The State rep. By
The Inspector of Police,
District Crime Branch,
Pudukkottai District.

2.Dinesh

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in impugned charge sheet in C.C.No.30 of 2022 on the file of the Judicial Magistrate No.II, Pudukkottai in Crime No.7 of 2021 on the file of the first respondent and quash the same as illegal.

For petitioners
For R1

: Mr.J.Lawrence
: Mr.Kottaichamy
Government Advocate



ORDER

WEB COPY

This petition has been filed to quash C.C.No.30 of 2022 on the file of the Judicial Magistrate No.II, Pudukkottai

2. The case of the prosecution is that the second respondent and his brother namely N.Prakash are doing timber business in the name and style of M/S/Maruthi Timbers at Thuvakudi, Trichy and they wanted to expand their business. For that purpose, the second respondent approached the first accused, namely, Panneerselvam for securing Rs.5 corers loan. The first accused agreed to arrange the loan in favour of the second respondent and also demanded Rs.1.34 crores as his commission and also obtained several signatures in the blank cheques from the second respondent. Thereafter, the first accused did not repay the said amount and he did not arrange any loan. Therefore, the second respondent lodged a complaint against the accused persons and the same was registered in Crime No.7 of 2021.

3. After completing the investigation, respondent police filed the charge sheet before the learned Judicial Magistrate No.II, Pudukkottai and the same was taken on file in C.C.No.30 of 2022. Challenging the same, the present petition has been filed.



4. The learned counsel for the petitioners submitted that the first petitioner is the wife of the first accused and the second petitioner is the son of the first accused. He further submitted that they did not commit any offence along with the first accused as alleged by the prosecution. Hence, he prays for quashment of Charge sheet.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the amount involved in this case is more than 1.5 Crores and petitioners along with the other accused persons are cheated several people by creating fake office. He further submitted that to attract the people, the accused persons spent more money. He further submitted that the first accused, namely, Paneerselvam filed quash petition before this Court in Crl.O.P(MD).No.10620 of 2022 and the same was dismissed by this court on 05.03.2024.

6. A perusal of FIR and the charge sheet show that the second respondent/defacto complainant has not made any allegation against the petitioners and there is no evidence available against them. Even there is no specific overt act mentioned in the charge sheet against the petitioners. The second respondent in his statement it is stated that the entire amount was received by the first accused, namely, Panneerselvam



Crl.O.P.(MD)No.12083 of 2022

and the first accused handed over the same to the present petitioners.

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)*

7. Considering the submission of the learned Government Advocate (Crl. Side) and also considering the amount involved in this case, this Court is not inclined to quash the charge sheet. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

18.03.2024

Index : Yes/No
Internet : Yes/No
tta

To

- 1.The Inspector of Police,
District Crime Branch,
Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.12083 of 2022

M.DHANDAPANI. J.

tta

Crl.O.P.(MD)No.12083 of 2022

18.03.2024