



Crl.O.P.(MD) No.18184 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.18184 of 2021

and

Crl.M.P.(MD) No.9973 of 2021

1.Mathavi

2.Devi @ Anjalidevi

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
(Crime No.138 of 2021)

2.Kathirvel

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the entire records in Crime No.138 of 2021 of Alagappapuram Police Station, Sivagangai District and quash the same.

For Petitioners : Mr.S.Balaji

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

For R2 : Mr.S.Bharathi Kannan



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ORDER

WEB COPY Seeking to quash the F.I.R. in Crime No.138 of 2021 of Alagappapuram Police Station, Sivagangai District, the present Criminal Original Petition is filed.

2. The petitioners are the accused 2 & 3. The case of the prosecution is that the petitioners/accused 2 & 3 who are running 'Vinayaga Agency' informed the second respondent/*de facto* complainant and his friends by names Navukkarasu, Rajesh Kanna, Anand and Annamalai that there are 5 job vacancies in Canada and obtained a sum of Rs.2,40,000/- from each of them (total Rs.12,00,000/-) for arranging jobs for them in Canada. Subsequently, the first petitioner/Accused No.2 handed over fake visa for Canada for the period between 30.07.2019 and 26.07.2021, fake Air tickets of Ethihad Airlines and fake Job Offer letters, to the second respondent/*de facto* complainant and his friends. When they went to the Airport, they found that they were cheated by the petitioners and thereafter the second respondent/*de facto* complainant lodged a complaint with the Inspector of Police of Alagappapuram Police Station, Sivagangai District which came to be registered as F.I.R. in Crime No.138 of 2021.



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3. Mr.S.Balaji, learned counsel for the petitioners would contend that subsequent to the registration of F.I.R., the petitioners and the second respondent/*de facto* complainant and his friends had entered into an agreement dated 03.03.2020, wherein, the second respondent/*de facto* complainant and his friends agreed to receive a sum of Rs.7,26,500/-, out of which, a sum of Rs.1,20,000/- was paid to them on the same day i.e., on 03.03.2020. According to him, the petitioners/accused 2 & 3 have to pay only a sum of Rs.4,80,000/- as per the agreement dated 03.03.2020. He therefore prayed for quashing the F.I.R.

4. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) appearing for the first respondent, on instructions, would contend that since the parties stated that they are compromising the issue, the investigation is kept pending.

5. At the outset, it may be observed that the petitioners/accused 2 & 3 have not only created documents like fake visa for Canada, Air tickets of Ethihad Airlines and Job Offer Letters, but also received a sum of Rs.12,00,000/- from the second respondent/*de facto* complainant and his friends (victims) with the intention to cheat them. Though the agreement



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dated 03.03.2020 was pressed into service before this Court that the second respondent/*de facto* complainant and his friends have agreed to receive a sum of Rs.7,26,500/-, it is to be pointed out that this is a case of clear cut cheating and the petitioners/accused 2 & 3 have not repaid the amount received from them. It is not known as to why the police have not arrested the present petitioners and the other accused.

6. A bare perusal of the F.I.R. clearly shows that *prima facie* offences punishable under Sections 420, 468 and 471 IPC are made out against the accused.

7. In the circumstances, this Criminal Original Petition is dismissed as devoid of merits. Consequently, connected Miscellaneous Petition is closed.

01.02.2024

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

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To

WEB COPY

- 1.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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R.HEMALATHA, J.

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