



Crl.O.P.(MD) No.18074 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.18074 of 2021

and

Crl.M.P.(MD) No.9882 of 2021

James

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Woraiyur Police Station,
Tiruchirappalli,
Tiruchirappalli District.
(Crime No.367 of 2018)

2.Gajendran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records in C.C.No.2049 of 2019 on the file of the Judicial Magistrate Court No.IV, Tiruchirappalli and quash the proceedings as against the petitioner herein.

For Petitioner : Mr.R.Ilayaraja

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



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ORDER

Seeking to quash the final report in C.C.No.2049 of 2019 on the file of the Judicial Magistrate Court No.IV, Tiruchirappalli, the present Criminal Original Petition is filed.

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

(i) The present petitioner (A1) is running a business in the name and style of 'RR Mapping Centre' at Trichy. He persuaded the second respondent (*de facto* complainant), his son G.Pradhap, one Raja and Moorthy to deposit money in 'Social Trade Company', an online company run by one Anubav Mittal for getting good returns and collected a sum of Rs.5,86,500/- from them and re-paid a sum of Rs.15,799/- to the *de facto* complainant and his son, Rs.2,715/- to Raja and Rs. 28,313/- to Moorthy. Subsequently, he did not make good balance amount.

(ii) Based on the complaint given by the *de facto* complainant, F.I.R. in Crime No.367 of 2018 was registered by the Inspector of Police, Woraiyur Police Station, Trichy against the present petitioner and one



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Anubav Mittal, Managing Director of Social Trade Company, for the offences punishable under Sections 406 and 420 of IPC. The Inspector of Police after concluding investigation laid a final report against the accused for the aforesaid offences.

3. Mr.R.Ilayaraja, learned counsel for the petitioner would contend that the present petitioner (A1) is one of the victims and he has paid various amounts to the second accused who is the Managing Director of 'Social Trade Company' which is operated from Uttar Pradesh. He therefore prayed for quashing the final report in C.C.No.2049 of 2019 on the file of the Judicial Magistrate Court No.IV, Tiruchirappalli as against him.

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

5. It is seen from the statements of witnesses recorded by the police under Section 161(3) of Cr.P.C. that the present petitioner (A1) alone



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persuaded the *de facto* complainant, his son Pradhap, Raja and Moorthy to deposit a sum of Rs.5,86,500/- in 'Social Trade Company' and he did not re-pay the said amount to them. During the course of investigation, the Inspector of Police found that the Social Trade Company is actually involved in money laundering business and its Head Quarter is at Uttar Pradesh, in which, second accused is the Managing Director. The said company was also closed down.

6. It is further seen from the statements of the witnesses that the *de facto* complainant and others had deposited various amounts in the 'RR Mapping Centre' at Trichy on the promise given by the present petitioner (A1) that they would be getting good returns for the amount deposited by them. Therefore, the contention of the present petitioner (A1) that he was also cheated by the second accused cannot be accepted for the simple reason that only based on his promise, the *de facto* complainant and other had handed over money to the petitioner. Therefore, I do not see any reason to quash the final report in C.C.No.2049 of 2019 on the file of the Judicial Magistrate Court No.IV, Tiruchirappalli.



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WEB COPY 7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

05.03.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

To:

- 1.The Judicial Magistrate No.IV,
Tiruchirappalli,
Tiruchirappalli District.
- 2.The Inspector of Police,
Woraiyur Police Station,
Tiruchirappalli,
Tiruchirappalli 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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