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CrI.O.P.(MD)No.20583 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.20583 of 2024

and

CrI.M.P.(MD)No.12712 of 2024

1.Backiyaraj

2.Sakthi Kumar

... Petitioners

-Vs-

1.The Inspector of Police,
Andipatti Police Station,
Theni District.
(In Crime No.282 of 2024)

2.Jakkayan

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records relating to FIR in
Crime No.282 of 2024 on the file of the Inspector of Police, Andipatti
Police Station, Theni District and quash the same.

For Petitioners	: Mr.S.Balaji
For R1	: Mr.A.Thiruvadi Kumar
	Additional Public Prosecutor
For R2	: Mr.M.Rahul

ORDER

This Criminal Original Petition has been filed to quash the case in

Crime No.282 of 2024 on the file of the first respondent police.

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2.The case of the prosecution is that the second respondent and the petitioners are known to each other. The second petitioner had lodged a complaint against the petitioners stating that the first petitioner received a sum of Rs.4,20,000/- from the petitioner for the employment of his wife and thereafter, he neither repaid the said amount nor secured a job to the wife of the second respondent.

3.The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case. The second respondent is the practicing advocate and he is doing money lending business. The first petitioner borrowed a sum of Rs.1 lakh from the defacto complainant. The first petitioner is paying the monthly interest regularly through his UPI Id to the defacto complainant. Further, the defacto complainant has received a post dated cheque from the first petitioner. However, suppressing all these facts, the defacto complainant has lodged the present complaint.

4.The learned counsel for the petitioner further submits that prior to the registration of the present case, the first petitioner had lodged a complaint against the second respondent. However, the same was



refused to be registered. Further, in the legal notice dated 09.09.2024, said to have been issued by the second respondent, there is no reference about the cheque issued by the first petitioner.

5.The learned Additional Public Prosecutor strongly opposed the contentions raised by the petitioners stating that it is a case of job racketing. The first petitioner has received a sum of Rs.4.2 lakhs from the defacto complainant for securing a job to the defacto complainant's wife. The legal notice sent by the defacto complainant also clearly shows that the defacto complainant has paid a sum of Rs.4.2 lakhs to the first petitioner. Further, the cheque given by the first petitioner was presented and the it was returned as insufficient fund. Hence, the second respondent lodged the complaint. He further submits that the contentions raised by the petitioners can be considered at the time trial and not at the FIR stage and hence, he opposes this petition.

6.The learned counsel for the second respondent submitted that the second respondent/defacto complainant is the practicing Advocate and his wife has studied upto M.A., B.Ed., and she qualified to be a Teacher. The petitioners knowing about the same, had made false promise and cheated the defacto complainant.



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7.I have heard the learned counsel appearing on either side and perused the materials placed on record.

8.Perusal of the complaint lodged against the petitioners shows that the petitioners have committed a serious offence of job bracketing. It is brought to the notice of this Court that the petitioners have obtained anticipatory bail in Crl.M.P.No.1524 of 2024 on condition to pay a sum of Rs.1 lakh each to the defacto complainant. However, the said order was not complied with. Hence, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

26.11.2024

Index : Yes/No

Internet : Yes/No

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To

1.The Inspector of Police,
Andipatti Police Station,
Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.NIRMAL KUMAR,J.

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