IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.253 of 2023
and Crl.M.P.No.2014 of 2023

1. Kasambal
2. Saravana Priya
3. Akil Visakan ... Petitioners

Vs.

1. The State Rep By Its,
   The Inspector of Police,
   District Crime Branch,
   Namakkal.
   (Crime No.24/2019)

2. Deepa
   (R2 Impleaded as per order dated
   17.04.2023 In Crl.M.P.No.5019 of 2023
   in Crl RC.No.253 of 2023) ... Respondents

PRAYER: Criminal Revision case has been filed under Section 397 read with Section 401 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order dated 19.09.2022 made in Crl.M.P.No.407 of 2020 in C.C.No.668 of 2019 on the file of Judicial Magistrate No.I, Namakkal.

For Petitioners	:	Mr.B.Kumar, Senior Counsel for Mr.S.Ramachandran
For R1	:	Mr.A.Gopinath Government Advocate (Crl.side)

For R2 : Mr.G.Sankaran, Senior Counsel
for Mr.S.Ashok Kumar

ORDER

This Criminal Revision case has been filed to set aside the order dated 19.09.2022 made in Crl.M.P.No.407 of 2020 in C.C.No.668 of 2019 on the file of Judicial Magistrate No.I, Namakkal, thereby dismissing the petition filed by the petitioners to discharge them from all the charges.

2. Heard both sides and perused the materials available on record.

3. On the complaint lodged by the second respondent herein, the first respondent registered FIR in Crime No.24 of 2019 for the offences punishable under Sections 120B, 420, 406, 506(1) of IPC and Section 65 of the Information Technology Act, alleging that the second respondent got married with the son of the first accused on 23.02.2006. Both are Software Engineers and after their marriage, they were working at United States of America (USA). They had deposited their earnings in the Banks situated at USA. While being so, the husband of the second respondent had executed a Power of Attorney in favour of his mother for the purpose of depositing their earnings in the banks situated at Namakkal and Salem. Accordingly, a joint bank account was opened in the

name of the husband of the second respondent and the first accused. Huge amounts were deposited from the period 2011-2014. While being so, during the year 2016, the second respondent came to India. In the year 2018, her husband came to India and stayed in the house of the first accused.

4. While being so, the husband of the second respondent died on 13.05.2018. After his demise, the entire family members viz., A1 to A3 have entered into criminal conspiracy and committed criminal breach of trust in respect of the liquidated assets and other immovable properties to cheat the second respondent. After the demise of the husband of the second respondent, the first accused had transferred the amount from the banks situated at USA to her personal account by forging the password and other personal details of the husband of the second respondent to the tune of Rs.1,49,75,750/-. Hence, the complaint.

5. After completion of investigation, the first respondent filed a final report for the offences punishable under Sections 120B, 420, 406, 114 and 506(1) of IPC and Section 65 of the IT Act and the same has been taken cognizance by the Trial Court in C.C.No.668 of 2019, on the file of the Judicial Magistrate I, Namakkal. Before framing of charges, all the three accused had

filed an application to discharge themselves from all the charges. It was dismissed and aggrieved by the same, this revision has been filed.

6. The learned Senior Counsel appearing for the petitioners would submit that the first accused is the mother-in-law of the second respondent and the second accused is the sister-in-law of the second respondent and the third accused is the son the second accused. It is true that the second respondent got married with the son of the first accused and they were working in USA. However, due to misunderstanding between them, both returned to India. Her husband was living with the first accused. While being so, on 13.05.2018, he died due to cardiac failure. Even during his lifetime, he had appointed the first accused as mandate holder of his account. Therefore, she can operate his account. Accordingly, some of the amount had been withdrawn by her. In fact, even before the complaint, huge amounts were already transferred in favour of the second respondent. That apart, the second respondent also filed a suit for partition in respect of the properties owned by the family in O.S.No.211 of 2019, on the file of the District Court, Salem and it is pending. Therefore, there is absolutely no material to charge the petitioners for the offences under Sections 120B, 420, 406, 506(1) of IPC and Section 65 of the Information Technology Act.

7. The learned Senior Counsel appearing for the second respondent would submit that there are materials to charge the petitioners for the offences under Sections 120B, 420, 406, 506(1) of IPC and Section 65 of the Information Technology Act. Admittedly, after the demise of the husband of the second respondent, they had withdrawn huge amount by using the password of the husband of the second respondent.

8. The learned Government Advocate (Crl.side) appearing for the first respondent would submit that after the demise of the husband of the second respondent, the first accused conspired with other accused and has withdrawn huge amount.

9. A perusal of records revealed that the petitioners are arrayed as A1 to A3. Admittedly, the second respondent got married to the son of the first accused and they were employed in USA as Software Engineers. While being so, they had opened so many bank accounts in India as well as USA. On 13.05.2018, the husband of the second respondent died. After his demise, the accused had withdrawn huge amount from the account of the husband of the second respondent. When it was questioned by the second respondent, she was

threatened with dire consequences. Further, the partition suit filed by the second respondent has nothing to do with the present charge. After the demise of the husband of the second respondent, the accused had withdrawn, a sum of Rs.1,49,75,750/-. Therefore, there are materials to charge the petitioners for the offences punishable under Sections 120B, 420, 406, 506(1) of IPC and Section 65 of the Information Technology Act.

10. In view of the above, this Court finds no infirmity or illegality in the order dated 19.09.2022 made in Crl.M.P.No.407 of 2020 in C.C.No.668 of 2019 on the file of Judicial Magistrate No.I, Namakkal. The Trial Court is directed to complete the Trial in C.C.No.668 of 2019, within a period of six months from the date of receipt of a copy of this order.

11. Accordingly, this Criminal Revision case stands dismissed. Consequently, connected Miscellaneous petition is closed.

03.06.2025

Index: Yes/No

Internet: Yes/No
Speaking/Non-Speaking order
mn

To

1. The Judicial Magistrate No.I, Namakkal.

2. The Inspector of Police,
   District Crime Branch,
   Namakkal.

3. The Public Prosecutor,
   High Court, Madras.

G.K.ILANTHIRAIYAN, J

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Crl.R.C.No.253 of 2023

03.06.2025