



Crl. O.P. No. 4394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 4394 of 2023

and

Crl. M.P. Nos. 2771 & 2772 of 2023

P.S. Rajesh Kumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its
Inspector of Police,
Central Crime Branch,
2nd wing, Cheenai Sub Urban,
Kancheepuram District.
(Crime No. 43 of 2010)

2. K. Shivanageshwari

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to call for the records relating to C.C. No. 107 of 2020 pending on the file of the Judicial Magistrate Court No.I, Tambaram and quash the same.

For Petitioner : Mr. Shiva Kumar,
for M/S. K.M. Vijayan Associates

For Respondents : Mr. A. Gopinath, for R1
Government Advocate (Crl.side)



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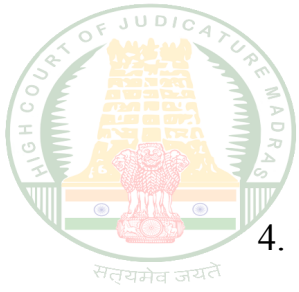
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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 107 of 2020 on the file of the Judicial Magistrate Court No.1, Tambaram.

2. The case of the prosecution is that, the first accused conducted chit and collected Rs.32,38,519/- from 30 victims. Thereafter, he failed to repay the said amount and cheated. When the victims asked about their money, the other accused persons hide the first accused and assured that they will return the money. However, all the accused persons cheated the victims. Hence, the complaint.

3. On the complaint, the first respondent registered the FIR in Crime No. 43 of 2010 for the offence punishable under Section 420 r/w 34 of IPC. After completion of investigation, the first respondent filed a final report and the same was taken cognizance in C.C. No. 107 of 2020 on the file of Judicial Magistrate Court No.I, Tambaram.



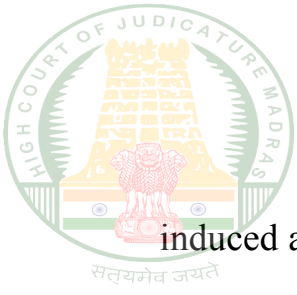
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4. The petitioner is arrayed as A8. On perusal of the statements and the charge sheet, it is revealed that the first accused only conducted chit scheme and collected money from the victims. Insofar as other accused are concerned, they are all family members and they hid first accused and prevented the victims from asking money from the first accused.

5. In order to attract the offence under Section 420 r/w 34 of IPC, there is absolutely no material to connect the other accused persons along with the first accused. Infact, in the FIR stage, the name of A9 was deleted who is none other than the father-in-law of the first accused. The petitioner is the cousin brother of the first accused. It is relevant to extract the provisions of Section 420 of IPC:-

“420. Cheating and dishonestly inducing delivery of property.- Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”

6. Even according to the case of the prosecution, the petitioner never



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induced any victims to deposit money in the chit conducted by the first accused.

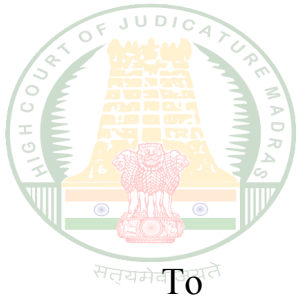
Further, the petitioner had absolutely no common intention along with the first accused to cheat the victims.

7. In view of the above facts, it is liable to be quashed. Accordingly, the criminal proceedings in C.C. No. 107 of 2020 pending on the file of the Judicial Magistrate Court No.I, Tambaram is hereby quashed, as against the petitioner alone.

8. In the result, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

14.03.2025

Index : Yes/No
Neutral citation : Yes/No
AT



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To
1. The Judicial Magistrate Court No.I, Tambaram.

2. The Inspector of Police,
Central Crime Branch,
2nd wing, Cheenai Sub Urban,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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