



Crl.O.P.(MD)No.12869 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.12869 of 2025 and
Crl.MP(MD) Nos.10095 and 10096 of 2025

G. Srinivasan

... Petitioner

Vs

1.The State of Tamilnadu, Rep.,
By the Inspector of Police CCD-III,,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No.31/2021).

2.Barthalomia Brise

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned proceedings in C.C.No.58 of 2024, on the file of the Learned Judicial Magistrate-II, Nagercoil, Kanyakumari District and quash the same.

For Petitioners
For R1

: Mr.K. Prabhu
: Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



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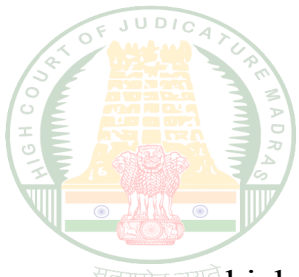
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ORDER

The petitioner/accused in C.C.No.58 of 2024, on the file of the learned Judicial Magistrate-II, Nagercoil, Kanyakumari District has moved this petition, to quash the above proceedings, which was registered for the offence under Sections 420 IPC and Section 66D of Information Technology (Amendment) Act, 2008, at the instance of the second respondent/defacto complainant.

2.The case of the prosecution is that the petitioner advertised in Newspapers and Social Media that nursing jobs are available at Arabian Countries. Therefore, the defacto complainant approached the petitioner and paid a sum of Rs.15,00,000/- to the petitioner for arranging job for her at Abroad. Thereafter, the petitioner has failed to arrange job to the defacto complainant, as agreed by him. Hence, this case.

3.The learned counsel for the petitioner submits that the petitioner has acted as an Agent, at the instance of one Binoy Joseph at Kuwait. In fact, the said Binoy Joseph has cheated the petitioner, for

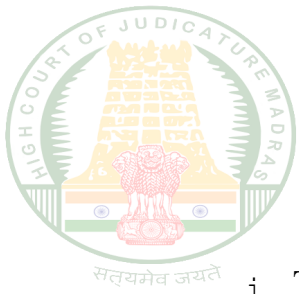


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which, the petitioner has lodged a complaint, even in the year 2019 and the same has been registered in Crime No.1308 of 2019, Ponkunnam Police Station, Kottaiyam. While so, this complaint has been registered as against this petitioner at the instance of the second respondent in the year 2021. The learned counsel further submits that this petitioner is the resident of Salem and he has filed a writ petition in WP(C)No.7086 of 2020(I), before the High Court of Kerala, for CBCID investigation in Crime No.1308 of 2019 and it was also ordered on 10.08.2020. According to the learned counsel for the petitioner, the present case has been falsely implicated as against this petitioner. Apart from this case, 11 other cases have also been foisted as against this petitioner and pending before the Courts of Kerala. Therefore, the petitioner has filed an application to club all these cases together for joint trial, which is also pending. The High Court of Kerala has also granted interim protection to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent submits that:-



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- i . There are sufficient materials as against this petitioner.
- ii .The grounds raised by this petitioner can be appreciated only during the trial and on the grounds raised by this petitioner, the First Information Report cannot be quashed.
- iii .Though the petitioner claims that he had lodged a complaint as against his employee at Kuwait, that will not absolve the petitioner from the criminal liability in the present case.
- iv .On completion of investigation, final report has been filed as against this petitioner in CC No.58 of 2024 before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District and therefore, he has to face the trial.
- v . The petitioner, who is said to be in the field for long years can very well know that the visa produced to the defacto complainant is a fake one. He has also given another duplicate visa to the defacto complainant.

5.When this Court is about to dismiss this petition, the learned counsel for the petitioner insisted for dispensing with the personal appearance of the petitioner in C.C.No.58 of 2024, before the



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learned Judicial Magistrate-II, Nagercoil, as this petitioner is a resident of Salem. The learned counsel claims that the petitioner has to travel eight hours to appear before the Court at Kanyakumari. He also requests that when all the remaining cases are pending in Kerala, it is very difficult for him to appear regularly before the Courts.

6.This Court considered the rival submissions made and also perused the materials placed on record.

7.As rightly pointed out by the learned Government Advocate, the grounds raised by the petitioner in this petition can be appreciated only during the trial. Considering the objections of the learned Government Advocate and the facts and circumstances of the case, this Court is not inclined to quash the proceedings, which is pending as against the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed with liberty to this petitioner to raise all these grounds before the trial Court. Insofar as the request of this petitioner for dispensing with his



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personal appearance before the trial Court is concerned, this Court is of the view that it is upto the petitioner to file necessary application, under Section 228 of BNSS (205 of Cr.P.C), before the concerned Court and if the Court is satisfied with the reasons assigned therein and it is up to the trial Court to take a call, on the request of this petitioner for dispensing his personal appearance during the trial. Consequently, connected Miscellaneous Petitions are closed.

04.08.2025

NCC : Yes/No

Index : Yes/No

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To

The Inspector of Police CCD-III,,
Kanyakumari Police Station,
Kanyakumari District.



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B.PUGALENDHI,J

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