



WEB COPY

CRL OP No. 19531 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 19531 of 2023
and CRL.MP.No.13181 of 2023**

Leelavathi

..Petitioner(s)

Vs

1. Inspector Of Police
District Crime Branch, Coimbatore
2. J. Johnson

..Respondent(s)

Crl.OP. filed under Section 482 of Cr.P.C. to Call for the records in CC.No.239/2018 on the file of the Judicial Magistrate No.VI Coimbatore and Quash the Same.

For Petitioner(s): M/s P.Saravana Sowmiyan

For Respondent(s): Mr.A.Gopinath,
Govt. Advocate (Crl.Side), For R1
M/s.M.G.D.Stalin, For R2

ORDER

This Criminal Original Petition has been filed seeking to quash the CC.No.239/2018 on the file of the Judicial Magistrate No.VI Coimbatore for the offences under Section 120(b), 420, 506(ii) and 294(b) of IPC.



2. The case of the prosecution is that the accused, who were five in number, had collected about Rs.23,40,000/- from the defacto complainant and A1 had invested the said amount in his concern called Rajkumar and Co. The money collected from the other witnesses were also kept in the account of Rajkumar and Co. The first accused had represented that he would use the money for redeeming the jewels of persons who are unable to redeem the jewels from financial institutions. After payment of principal along with interest, he would hand over the redeemed jewels to the respective owners. The interest and profit earned could be shared by all the persons. However, A1 did not repay the money taken from the victims and when it was questioned, A2 abused the defacto complainant in filthy language. The petitioner who was arrayed as A4 is the wife of A2 and she was present when her husband had abused the defacto complainant.

3. The learned counsel for the petitioner submitted that the petitioner is arrayed as A4 in this case. A similarly placed person, namely fifth accused, filed a quash petition in Crl.OP.No.24927 of 2019, and the same was allowed by this Court on 10.03.2023.

4. The learned counsel for the second respondent submitted that he has prepared to file appeal against the order passed by this Court in Crl.OP.No.24927 of 2019 dated 10.03.2023.



5. However, the second respondent did not produce any document to show that an appeal has been filed or that any interim order has been obtained against the said order passed by this Court. Further, the petitioner is also standing in the same footing as A5, who is none other than the son of the petitioner. Though the petitioner alleged to be a partner of the Company run by the first accused, the prosecution has failed to produce any evidence to show that the petitioner is a partner of the partnership firm run by the first accused.

6. The order passed by this Court in Crl.OP.No.24927 of 2019 reads as follows:

“6.This Court has perused the impugned charge sheet and the materials filed along with the charge sheet before the learned Magistrate. The allegation is that A1 was running a concern in the name of Rajkumar and Company. The said concern was doing the business of redeeming the jewels of those persons who were unable to redeem the jewels pledged with financial institutions and thereafter either returning it to the owners after receiving the loan amount discharged by them with interest or sell the jewels and appropriate the profit for themselves, after paying the money that is due to the owners. The first and second accused, it is alleged had promised a return of Rs.7/- per month for every Rs.100/- invested by the defacto complainant and others. It is further alleged that they did not keep up the promise and when the defacto complainant and others went and questioned the accused, A2 had



abused them in filthy language in the presence of A4/his wife and A5/the petitioner.

WEB COPY

7. As regards the offence of Section 420 I.P.C., there is nothing in the impugned chargesheet to suggest that the petitioner/A5 had made any false representation to the defacto complainant and others to induce them to invest in the company. The reading of the final report would show that the defacto complainant and others were lured by the promise of high returns by other accused. The only allegation against the petitioner/A5 is that he had assured the defacto complainant and others that the money would be safe and he would ensure its return as he had means. This Court is of the view that such an allegation against A5 appears to be an improbable version. The petitioner/A5 admittedly was employed elsewhere and had nothing to do with the business run by A1. In any event, even assuming that he had given such an assurance, it would not amount to a deception, so has to constitute the offence of cheating. It would only be a breach of promise. Admittedly, even according to the defacto complainant, the money collected from the defacto complainant and others was invested in the concern run by A1. There is no allegation that the petitioner was directly benefited by these transactions. This Court finds that hence the offence of Section 420 of I.P.C., is not made out as against the petitioner/A5.

8. As regards the offence under Section 506 (1) of IPC is concerned, the statements of the witnesses show that A2/Guruswamy had abused the defacto complainant and others and the petitioner asked them to go out of the house as otherwise



he would shoot them to death. This Court has time and again reiterated that in order to constitute the offence of criminal intimidation, the threat has to be real. Mere words could not constitute the offence of criminal intimidation. The reading of final report shows that the allegations as against the petitioner is inherently improbable and do not constitute the offences as alleged.

9.For the above reasons, the impugned final report as against the petitioner/A5 is alone liable to be quashed and hence quashed.

10.Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.”

7. In view of the above order passed by this Court in a similar petition, the petitioner, being similarly placed as the petitioner therein, is entitled to the same relief. Therefore, the impugned final report in CC.No.239 of 2018 on the file of the Judicial Magistrate No.VI Coimbatore is hereby quashed as against the petitioner. Accordingly, this petition stands allowed. Consequently, connected miscellaneous petition is closed.

18-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS



To

1. The Judicial Magistrate No.VI Coimbatore

2. Inspector Of Police

District Crime Branch, Coimbatore



WEB COPY

CRL OP No. 19531 of 2



G.K.ILANTHIRAIYAN, J.

PVS

CRL OP No. 19531 of 2023

18-03-2026