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CrI.O.P.(MD)No.21637 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/12/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

CrI.OP (MD)No.21637 of 2023

and

CrI.MP (MD)No.16894 of 2023

Nallamani : Petitioner/Single Accused

Vs.

1.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.83 of 2021) : 1st Respondent/Complainant

2.Sheik Abdulla,
Sub Inspector of Police,
Batlagundu Police Station,
Dindigul District. : 2nd Respondent/De-facto
Complainant

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in Crime No.83 of 2021 on the file of the Inspector of Police, Batlagundu Police Station, Dindigul District and quash the same as against this petitioner/Single Accused.

For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)



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O R D E R

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This criminal original petition has been filed seeking quashment of the FIR in Crime No.83 of 2021 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

On on 16.02.2021, while the respondents police were patrolling near Kaliyamman Temple, they intercepted a Ford Car TN-59-AH-8679. When the police enquired the accused, he answered in a contradicting manner. They searched the Car and found bundles of black papers and a plastic can with acid. On enquiry, they found that the accused kept the black papers and acid water for the purpose of cheating as if the black paper if dipped in acid, it will turn into currency note. Upon the occurrence, a case in Crime No.83 of 2021 was registered for the offences under sections 489D and 420 of IPC.

3. Seeking quashment of the same, the petitioner is before this court.

4. Heard both sides.

5. The learned counsel appearing for the petitioner would submit that on the face value of the allegations,



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the offences, the offences under sections 489D and 420 of IPC are not attracted.

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6. Section 420 of IPC reads as follows:-

"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."

7. Section 489D of IPC reads as follows:-

"489D. Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes.—Whoever makes, or performs, any part of the process of making, or buys or sells or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being



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used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency-note or bank-note, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

8.As mentioned in the preamble portion, paper bundle along with the acid water was recovered from this petitioner.

9.By pointing out this, the learned counsel appearing for the petitioner would submit that for attracting the offence under section 489D of IPC, *prima facie* it must be shown that it is a counterfeit currency notes.

10.He would further submit that none of persons alleged to have suffered by cheating at the hands of the petitioner were given any complaint. He would also question the jurisdiction of the Sub Inspector of Police to lodge the complaint. But this sort of argument cannot be raised and accepted for the simple reason that there is no bar for the police official to register *suo motu*



FIR. So, this ground is not available to the petitioner.

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11. But whether mere keeping of blank papers along with acid will attract the offence under section 489D of IPC is the only point to be decided.

12. Perusal of the CD file does not indicate that chemical was sent for analysis. Chemical analysis only will give the result over the composite, whether it can be used for converting papers into currency notes.

13. No doubt that there is an attempt on the part of the petitioner to dup several innocent people, But what offences are attracted can be found out only after conclusion of the investigation. This is too a premature stage to stay the investigation process.

14. Even at the time of argument, there is no proper explanation on the side of the petitioner. Even at the time of argument, there is no explanation for the possession. As mentioned above, only on suspicion, now the investigation is undertaken. Suspicion must be ruled out after investigation.



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15.During the course of investigation, this petitioner alleged to have given particulars over several cases registered against him. One on the file of the District Crime Branch, Theni, another on the file of the Uthualai Police Station, Tirunelveli District and another on the file of the Usilampatti Town Police station. The antecedents of the petitioner must also be thoroughly investigated. So this is not a fittest case to exercise the power under section 482 of Cr.P.C to quash the proceedings.

16.Let the investigation be completed within a period of three months from the date of receipt of a copy of this order. If nothing is found against the petitioner illegal, then automatically it must be closed. If positive, then the the petitioner can work out his remedy through proper proceedings in the manner known to law.

17.With the above said liberty, this criminal original petition stands **dismissed**. Consequently, connected Miscellaneous Petition is closed.

19/12/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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