

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14617 of 2015

and M.P.No.1 of 2015

K.N.Subramaniam ... Petitioner/Accused

Vs

1.State Rep by,
The Inspector of Police,
Annur Police Station,
Annur, Coimbatore District.

2.Bhuvaneswari ... Respondents/Complainant &
Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying, to call for the records in FIR No.179 of 2015 on the file
of the 1st respondent and quash the same.

For Petitioner : Mr.Camylus Gandhi

For Respondents : Mr.C.Emalias, Addl Public Prosecutor
[for R1]

O R D E R

This is a petition filed to quash the FIR in Crime No.179 of
2015 registered against the petitioner for offences under section
467, 468, 471 and 420 of IPC.

2. Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the 1st
respondent.

3. Learned counsel appearing for the petitioner submitted that
the same complainant had given a complaint against this petitioner
before the police in respect of which, a case in Annur Police
Station in Crime No.216 of 2012 was registered on 24.04.2012 for
offences under Section 294[b], 323 and 560[i] IPC. Learned counsel
submitted that, in that complaint, the defacto
complainant/Bhuvaneswari has not stated anything about the
transactions, which is the subject matter of the case in crime
No.179 of 2015.

4. This Court perused both the FIRs. Crime No.216 of 2012
relates to an incident that took place on 24.04.2012, where the
defacto complainant/Bhuvaneswari was abused and assaulted by

Subramaniam and his family members and that is why, the police registered a case for offences under Section 294[b], 323 and 506[i] IPC. Whereas, in this complaint, Bhuvaneswari alleged that Subramaniam has forged the sale deed in respect of a theater owned by her and that is the reason, why the police have registered a case for offences under Section 467, 468, 471 and 420 IPC. Thus, the allegations in Crime No.216 of 2012 and Crime No.179 of 2015 are totally different.

5. That apart, this Court cannot go into disputed question of facts in a petition under Section 482 Cr.P.C. The Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335 has laid down the guidelines for quashing an FIR. The complaint in Crime No.179 of 2015 discloses the commission of cognizable offence and therefore, this Court cannot quash the FIR, in view of the law laid down by the Hon'ble Supreme Court in the aforesaid judgment. Hence, this petition is dismissed, with liberty to the petitioner, to workout his remedy in the manner known to law. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Inspector of Police,
Annur Police Station,
Annur, Coimbatore District

2. The Public Prosecutor,
High Court, Madras.

Pvr (co)
krd 29/6

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