

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.26349 of 2013

and

M.P.No.1 of 2013

Dr.S.P.Ilango

... Petitioner

Vs

1. The State, rep. by
Inspector of police,
District Crime Branch,
Vellore District,
Vellore.

2. Adhavan

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in FIR.No.51 of 2013 on the file of the respondent police and quash the same as illegal, in so far as this petitioner is concerned.

For Petitioner : Mr.P.G.Santhoshkumar

For respondents : Mr.C.Emalias,
Additional Public Prosecutor
for R.1

ORDER

The present criminal original petition has been filed to call for the records in Crime No.51 of 2013 on the file of the first respondent police and quash the same as illegal, in so far as this petitioner is concerned.

2. It is the case of the prosecution that the second respondent / de facto complainant has paid a sum of Rs.35,00,000/- to one John Peter for securing MBBS seat for his daughter. The said John Peter expressed to the second respondent that he knows the petitioner herein and other accused and through one Jai Singh working in CMC, the said John Peter has received a sum of Rs.35,00,000/-. But, the said John Peter has not secured medical seat for his daughter and cheated the second respondent. Hence, the second respondent lodged a complaint with the first respondent police and on the basis of the said complaint, a case has been registered Crime No.51 of 2013 as against the petitioner along with other accused for the alleged offence punishable under Sections 406 and 420 I.P.C. To quash the same, the present criminal original petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the entire allegation is only as against the said John Peter and so far as this petitioner is concerned, no allegation is made against him.

4. Learned Additional Public Prosecutor submitted that in the complaint, a specific allegation is made against this petitioner. Further, he has submitted that the investigation is still pending.

5. However, I am of the considered opinion that the scope of Section 482 Cr.P.C. to quash the first information report is very limited, since the investigation is not yet completed. The first information report can be quashed only if the allegations made in the complaint do not constitute any offence or if there is any legal flaw. By applying the said legal principles, I do not find any valid ground to quash the first information report pending in Crime No.51 of 2013. Hence, I am of the opinion that the present OP is a pre-mature one and I am not inclined to entertain the present petition.

6. In fine, the criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy after filing of the final report. The first respondent is directed to complete the investigation and file a

final report as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sbi

To

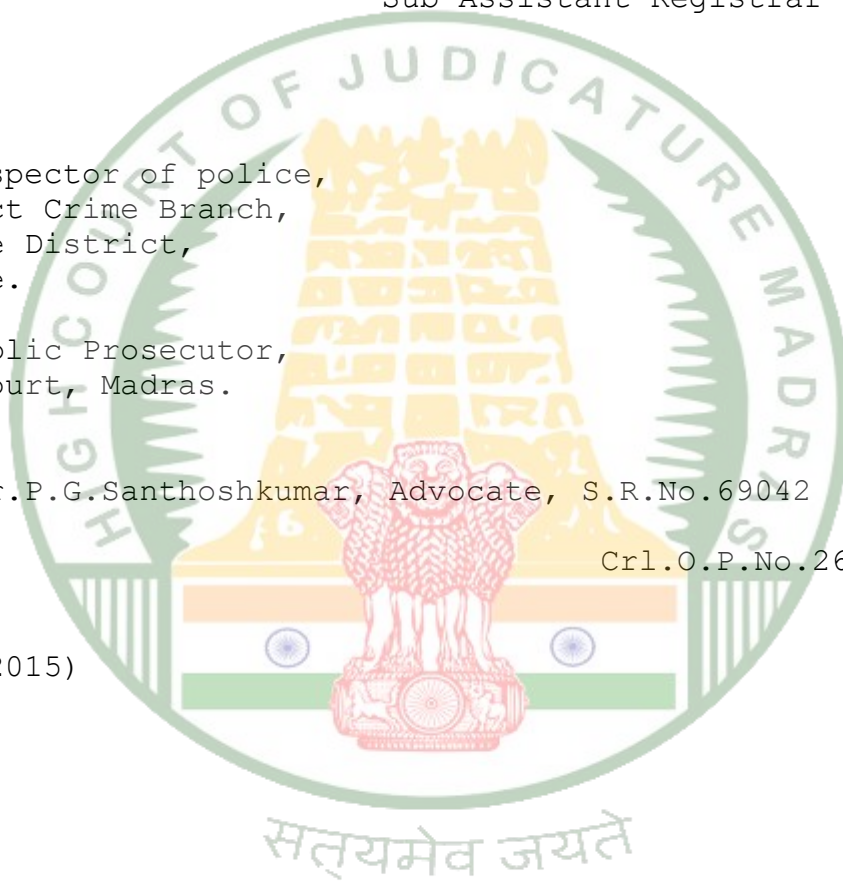
1. The Inspector of police,
District Crime Branch,
Vellore District,
Vellore.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.G.Santhoshkumar, Advocate, S.R.No.69042

CrI.O.P.No.26349 of 2013

KSJ(CO)
CA(30/12/2015)



WEB COPY