

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl. O.P. No.10196 of 2016
and
Crl.M.P.Nos.5431 and 5432 of 2016

M.Dinesh Petitioner/Accused (A4)

Versus

1. The State Rep.by
The Inspector of Police,
H-5 Police Station,
New Washermenpet,
Chennai - 600 081.

2. D.Selvam Respondents/Complainants

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records connected with the First Information Report in Crime No.1039 of 2015 on the file of the Inspector of Police, H-5 Police Station, Chennai and quash the same.

For Petitioner : Mr.G.J.Bhaskar Naraynan

For Respondent No.1 : Mr.C.Emalias
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to quash the proceedings in Crime No.1039 of 2015 on the file of the first respondent.

2.Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the first respondent and perused the materials placed on record.

3.On a complaint lodged by one D.Selvam, the respondent police registered a case in Crime No.1039 of 2015 on 23.11.2015 under Sections 384, 465, 467 and 506[iii] of IPC and Sections 3 and 4 of Exorbitant Interest Act against [i] Vaigai Saravanan

[A-1]; [ii] Rathina Pandya [A-2]; [iii] Mohanasundaram [A-3]; [iv] Dinesh [A-4] and [v] A.D.Raja [A-5]. The crux of the allegation in the F.I.R. is that the accused herein had abducted the de facto complainant after threatening him obtained several documents registered in his favour, in respect of a loan of Rs.5,65,000/- that is said to have been obtained by the de facto complainant from A.D.Raja [A-5]. Challenging the F.I.R., Dinesh [A-4] is before this Court.

4.The learned counsel for Dinesh [A-4] submitted that Dinesh is not at all in the said offences and that he was residing at U.A.E. on the date of incident and he has been falsely implicated.

5.There are sufficient materials in the F.I.R. for the police to conduct the investigation and hence, the same cannot be quashed at the threshold in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana vs. Bhajan Lal reported in 1992 Supp [1] SCC 335. However, the learned counsel for the petitioner produced the photo copy of the Passport and entries of Dinesh, in order to show that he was not in India at the relevant point of time.

6.In the opinion of this Court, there is disputed question of fact and that cannot be decided in a quash petition and hence, the respondent police is directed to look into the materials submitted by Dinesh [A-4] to show that he was not in India at the relevant point of time and it is needless to state that he should be dropped in the F.I.R. if it is shown that he was abroad as contended by him. The Assistant Commissioner of Police is directed to personally monitor the investigation in H-5 Police Station, New Washermenpet, Chennai in Crime No.1039 of 2015.

7.With the above directions, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

sri

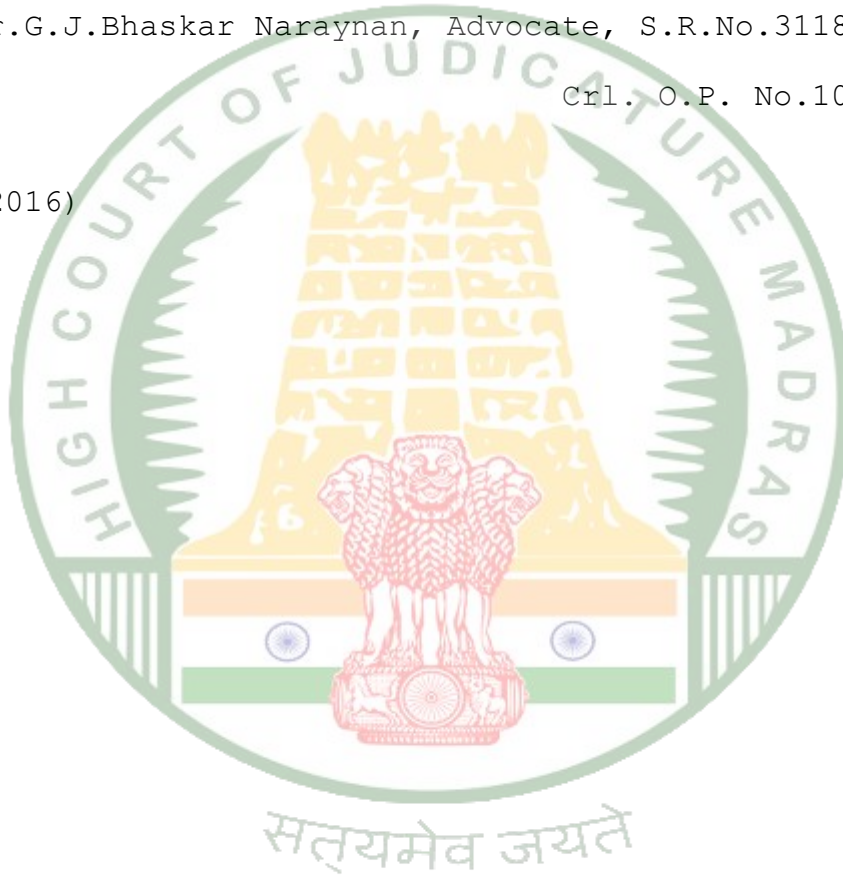
To

1. The Inspector of Police,
H-5 Police Station,
New Washermenpet,
Chennai - 600 081.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.J.Bhaskar Naraynan, Advocate, S.R.No.31184

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JSV(CO)
CA(20/06/2016)



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