

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1243 of 2016

and Crl.M.P.No.564 of 2016

T.Siva Subramani

...Petitioner

Vs

State represented by

1.The Inspector of Police,
C.C.B., Veppery, Chennai

2.T.Gomala

....Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceeding in Crime No.167 of 2015 pending investigation on the file of C.C.B. Team Veppery, Chennai.

For Petitioner : Mr.S.Suresh

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor, for R1

ORDER

The present criminal original petition has been filed to call for the records in Crime No.167 of 2015 pending investigation on the file of C.C.B. Team Veppery, Chennai and quash the same.

2. In view of the limited order going to be passed hereunder, this Court is of the opinion that there is no need to issue notice to the second respondent.

3. A complaint was lodged by the second respondent with the first respondent police as against the petitioner (A.2) and his mother (A.1) stating that A.1 conducted Diwali Chit fund and the second respondent joined in the chit. After the chit period was over, without paying the matured amount, they misappropriated the matured amount. Based on the said complaint, a case has been registered in Crime No.167 of 2015 for the alleged offence punishable under Sections 406 and 420 I.P.C. To quash the said proceedings, the present criminal original petition has been filed.

4. Learned counsel appearing for the petitioner submitted that the petitioner / A.2 is a college student and absolutely there is no allegation as against the petitioner.

5. But, the learned Additional Public Prosecutor submitted that there is an allegation as against the petitioner to the effect that the petitioner along with A.1 threatened the second respondent.

6. Irrespective of the submissions made on either side, 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. Hence, I am of the opinion that the present OP is a pre-mature one. However, the petitioner is at liberty to approach this Court after filing final report by the respondent police.

7. 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 two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

sd/-
Assistant Registrar (Cs-VII)

/TRUE COPY/

Sub-Assistant Registrar

sbi

To

1.The Inspector of Police,
C.C.B., Veppery,
Chennai.

2.The Public Prosecutor,
High Court, Chennai.

+1 CC to MR.S.Suresh Advocate. SR.NO. 943

Cr1.O.P.No.1243 of 2016

CO-SK
JD 02/02/2016