

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

CRL.O.P.No.24255 of 2009

& M.P.No.1 of 2009

1.E.S.Dhinesh Paul

2.M.Sundar @ Raja

... Petitioners/Accused

... Vs ...

1. State rep. by
The Inspector of Police
District Crime Branch,
Coimbatore District.
(Crime No.16 of 2009)

... Respondent/Complainant

2.Kamlesh Raheja
(Impleaded the 2nd respondent
as per the order of this Court
Dt: 30.11.2009 in M.P.No.1/09)

... Respondent/Defacto
Complainant

Prayer:- Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records relating to Crime No.16 of 1996 pending on the file of the respondent police and quash the same.

For Petitioner : Mr.E.S.Dinesh Paul

For Respondent-1 : Mrs.M.F.Shabana,
Govt.Advocate (Crl.side)

For Respondent-2 : No Appearance

ORDER

This petition has been filed seeking to call for the records in Crime No.16 of 1996 and quash the same.

2. The defacto complainant/impleaded party has acted as a mediator between the petitioners/accused and the Mill Owners. It is the case of the defacto complainant that

the petitioners/accused have cheated him to the tune of more than Rs.5 Lakhs and the cheques issued by the Mill Owners were dishonoured and hence, a complaint had been lodged.

3.It is the case of the petitioners that they have been falsely implicated in this case and they were charged under Sections 406 and 420 of IPC. The petitioners were running a Spinning Mill right from the year 2008 and they were purchasing raw materials from various suppliers, throughout the country. While so, a short while ago, in the Yarn supplied, there had been a dispute with regard to the quality, between the petitioners and the sellers. Taking advantage of the said situation, the defacto complainant, who acted only as an agent, had given a complaint against the petitioners herein, which is factually incorrect. Hence, they seek to quash the First Information Report given by the complainant/second respondent herein.

4. Learned Government Advocate (Crl.side) appearing for the first respondent submitted that during the pendency of the proceedings, the second petitioner/A2 died.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) and perused the materials available on record.

6. From the perusal of the records and the narrated facts, it is clear that the matter will have to be investigated by the first respondent police. Hence, I find no reason to grant the relief as sought for by the petitioner. Therefore, the first respondent police is directed to complete the enquiry, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. This Criminal Original Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

smi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
District Crime Branch, Coimbatore District.
2. The Public Prosecutor, High Court, Madras.

aa/24/2/16