

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.22071 of 2016 & Crl.M.P. No.10244 of 2016

K.S. Neelakantan

Petitioner

vs.

1 The State represented by
the Sub Inspector of Police
K-4 Police Station Crime Branch
Anna Nagar
Chennai

2 R. Subburaman

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C.
seeking to call for the records pertaining to the FIR in Crime
No.372 of 2016 pending on the file of the first respondent and
quash the same.

For petitioner Mr. K.V. Muthuvisakan
For R1 Mr. C. Emalias
Addl. Public Prosecutor
For R2 Mr. C. Deepak Kumar

ORDER

This Criminal Original Petition has been filed seeking to
call for the records pertaining to the FIR in Crime No.372 of
2016 pending on the file of the first respondent and quash the
same.

2 On the complaint lodged by the second respondent, the
first respondent police have registered a case in Crime No.372
of 2016 on 23.04.2016 under Section 420, IPC against the
petitioner herein, challenging which, the petitioner is before
this Court.

3 The learned counsel for the petitioner submitted that a
purely civil transaction has been given a criminal colour and
the FIR has been registered against the petitioner and
therefore, it is liable to be quashed.

4 In the FIR, the de facto complainant has alleged that he got acquainted with the petitioner some time in the year 2010 and the petitioner was in dire need of money for meeting the expenses of his daughter's wedding and therefore, the de facto complainant had given a sum of Rs.16,50,000/- spread over several installments from 13.09.2010 to 05.04.2013 and thereafter, the petitioner neither returned the amount, but, had gone underground.

5 The learned counsel for the petitioner submitted that the de facto complainant had given money for investing in share market and the money was actually given to one Thiagarajan, who, unfortunately died on 19.07.2015, on account of which, the money that is said to have been given by the petitioner, got locked. The learned counsel further submitted that despite that, an amount of Rs.5.50 lakhs has also been returned to the de facto complainant.

6 Per contra, the learned counsel for the second respondent strongly refuted the contention of the learned counsel for the petitioner.

7 Be that as it may, in the considered opinion of this Court, this is not a fit case to quash the FIR, at this stage, where, the investigation is at a very incipient stage. However, the petitioner shall produce all the records, which he has submitted to this Court, to the Investigating Officer, who shall dispassionately conduct investigation and if it is found that the entire transaction is of civil nature, it is needless to state that the FIR shall be closed. Further, the Assistant Commissioner of Police, Anna Nagar, is directed to monitor the investigation in Crime No.372 of 2016 on the file of the first respondent police.

With the above directions, this Criminal Original Petition is closed. Connected CrI.M.P. is closed.

Sd/-
Asst.Registrar (CS)

/true copy/

Sub Asst. Registrar

To

- 1 The Sub Inspector of Police
K-4 Police Station Crime Branch
Anna Nagar
Chennai

2 The Assistant Commissioner of Police
Anna Nagar
Chennai

3 The Public Prosecutor
Madras High Court
Chennai 600 104

+1 cc to M/s.I.Abrar Mohammed, advocate, sr.64804.

+1 cc to Mr.K.V.Muthuvisakan, advocate, sr.84487. (20/12)

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krd 22/11

Crl.O.P. No.22071 of 2016



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