

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HONOURABLE JUSTICE P.N.PRKASH

Crl.OP.No.23983 of 2016  
and Crl.MP.No.11417 of 2016

Anuj Kothari .. Petitioner/Accused  
Vs

1.State of Tamil Nadu,  
Rep by the Inspector of Police,  
P5, MKB Nagar Police Station,  
Chennai - 600 039. ..R1/Complainant

2.Prakash Chand Jain .. Respondents/De-facto  
Complainant

Prayer:- Criminal Original Petition filed under Section 482  
of Criminal Procedure Code praying to call for records in  
Crime No.1074 of 2016 of P5, MKB Nagar Police Station and  
quash the same.

For Petitioner : Mr.M.L.Joseph  
For Respondents : Mr.C.Emalias [ for R1]  
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to  
quash the proceedings in Crime No.1074 of 2016 on the file of  
P5, MKB Nagar Police Station, Chennai.

2. Heard the learned counsel appearing for the petitioner  
and the learned counsel appearing for the respondent police.

3. On the complaint lodged by Prakash Chand Jain on  
06.10.2016, the respondent police have conducted enquiry in  
CSR.No.382 of 2016 and thereafter, filed a regular FIR in  
Crime No.1074 of 2016 on 09.10.2016 against Anuj Kothari and  
three others, challenging which, Anuj Kothari is before this  
Court.

4. The learned counsel appearing for Anuj Kothari  
submitted that Anuj Kothari has filed civil suit against  
Prakash Chand Jain and also has initiated prosecution under  
Section 138 of Negotiable Instruments Act against Prakash

Chand Jain in CC.No.1227 of 2015 and the same is pending on the file of the Fast Track Court -IV, George Town, Chennai and that non-bailable warrant was issued against Prakash Chand Jain for his non-appearance. While so, in order to coerce Anuj Kothari to withdraw all these cases, Prakash Chand Jain has lodged the present complaint making frivolous allegations, based on which, the respondent police have registered a case and therefore, the FIR deserves to be quashed.

4. Per contra, the learned Additional Public Prosecutor submitted that on a reading of the FIR, it is alleged by Prakash Chand Jain that on 28.09.2016, some persons claiming as lawyers have barged into the house of Prakash Chand Jain and intimidated his daughter while she was alone and they also carried a bottle purported to be acid.

5. The learned counsel appearing for Anuj Kothari submitted that Anuj Kothari had given a representation dated 08.10.2016 to all the superior police officers including the Inspector of Police, P5 MKB Nagar Police Station, giving complete details, time-wise of what exactly had happened, thereby refuting the allegations made by the de facto complainant, ignoring which, the police have gone ahead by registering the FIR on 09.10.2016.

6. This Court gave its anxious consideration to the rival submissions. It is true that Anuj Kothari has launched prosecution against Prakash Chand Jain and he has also obtained certain interim decree against Prakash Chand Jain. It is also seen that Anuj Kothari was granted anticipatory bail by the Principal Sessions Court, Chennai in CrI.M.P.No.17345 of 2016. In the FIR, Prakash Chand Jain has mentioned two incidents namely, one on 28.09.2016 and the other on 06.10.2016.

7. In the considered opinion of this Court, a full-fledged thorough investigation is essential in this case in order to find out as to whether Prakash Chand Jain has engineered a false case against Anuj Kothari, in order to thwart the criminal prosecution and civil action that is being taken by Anuj Kothari against Prakash Chand Jain. Under such circumstances, this Court directs the Assistant Commissioner of Police, incharge of MKB Nagar Police Station to monitor the investigation in Crime No.1074 of 2016 and expeditiously conduct an investigation and close the case if the allegations made by Prakash Chand Jain are found to be false.

With the above direction, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Inspector of Police,  
P5, MKB Nagar Police Station,  
Chennai - 600 039.
  2. The Assistant Commissioner of Police (I/c)  
MKB Nagar Police Station,  
Chennai.
  - 3.The Public Prosecutor  
High Court, Madras.
- + 2 ccs to Mrs. Chennai Law Associates Sr.63418

CRL.OP.NO.23983 of 2016

EV(CO)  
EU 09.12.16

सत्यमेव जयते

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