



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 26.02.2016
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No. 2814 of 2016
and
CRL.MP(MD)NO.1371 OF 2016

T.K.Vigneswaran ... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.
(In Crime No.632 of 2015)

..1st Respondent/Complainant

2.P.Gopalsamy ..2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to quash the proceedings in Crime No.632 of 2015 on the file of the Inspector of Police, Sivakasi Town Police Station.

For Petitioner : No Appearance.
For R1 : Mrs.S.Prabha
Government Advocate(Crl.side)

O R D E R

This petition has been filed under Section 482 of Cr.P.C to quash the proceedings in Crime No.632 of 2015 on the file of the Inspector of Police, Sivakasi Town Police Station.

2. When the case came up hearing on 17.02.2016, the learned counsel for the petitioner sought adjournment. The matter was adjourned to 22.02.2016 finally. On 22.02.2016 and on 23.02.2016, the learned counsel again sought for adjournment and hence, the matter was listed finally today. Today, when the matter was taken up for hearing, there was no representation for the petitioner. Therefore, this Court perused the FIR.

3. It is the case of the defacto complainant that on 20.05.2014 and on other dates, the petitioner/accused had borrowed money to the tune



of Rs.10,58,500/- and that when the defacto complainant approached the petitioner/accused on 26.11.2015 for return of money, he was intimidated and threatened by the petitioner/accused with arival. Hence, the defacto complainant lodged the present complaint based on which the respondent has registered a case in the Crime No.632 of 2015 under Sections 406, 420 and 506(ii) IPC. Since there are prima facie materials in FIR, the same cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana and others vs. Bhajan Lal and others reported in 1992 Supp (1) SCC 33.

4. In the result, this Criminal Original Petition is dismissed. Consequently, connected M.P is also dismissed.

Sd/

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

1.The Inspector of Police,Sivakasi Town Police Station,Sivakasi,
Virudhunagar District.

2.The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai

CRL.OP.(MD) No.2814 of 2016
and
CRL.MP(MD)NO.1371 OF 2016

AM/AAL.MPA/14.03.2016/2P/3C