



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.03.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD) No.10518 of 2016

and

Cr.M.P(MD)No.5200 of 2016

1.A.Rajamanickam

2.J.A.Moses

3.S.Ramachandran @ Kumar

... Petitioners/Accused Nos.1 to 3

-Vs-

1.The State rep. By

The Inspector of Police,
Siruganur Police Station,
Trichy District.

In Crime No.83 of 2016

...1st Respondent/Complainant

2.P.Chelladurai

...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned F.I.R in Crime No.83 of 2016 dt.2/2/16 on the file of the first respondent/complainant(Siruganur Police station) and quash the same.

For Petitioner : Mr.R.S.Sivaram

For R-1

: Mr.A.P.Balasubramani,

Government Advocate(Crl. Side)

O R D E R

This petition has been filed by the petitioners seeking to quash the F.I.R in Crime No.83 of 2016 on the file of the first respondent/complainant.

2. The learned counsel appearing for the petitioners would mainly contend that the F.I.R does not disclose the offence under Sections 379, 506(ii) of I.P.C and the transaction between the defacto complainant and the petitioners was purely civil in nature with regard to contract for purchasing teakwood. But, the defacto complainant has given criminal colour to the civil transaction and the F.I.R registered against the petitioners has to be quashed.



3. The learned Government Advocate (Crl. Side) appearing for the first respondent would contend that without the consent of the defacto complainant, the petitioners cut and removed the teakwood trees worth about Rs.3,50,000/-, but failed to pay the value of the trees and hence, the present case has been registered against the petitioners and the investigation is pending in this case and therefore, there is no ground to quash the F.I.R registered against the petitioners.

4. I have heard the submissions made on either side and perused the materials available on record.

5. Admittedly, earlier the petitioners filed Crl.O.P(MD)No.2333 of 2016. This Court vide order dated 09.02.2016 granted anticipatory bail to them on condition to deposit a sum of Rs.1,50,000/- before the learned Judicial Magistrate, Lalgudi, Trichy District. Thereafter, vide order dated 02.03.2016 passed in Crl.M.P(MD)No.1890 of 2016, this Court reduced the said amount from Rs.1,50,000/- to Rs.1,00,000/-. But, the accused persons neither deposited the amount nor surrendered before the Court below.

6. Further, a reading of the F.I.R shows that without the consent of the defacto complainant, the petitioners cut and removed the teakwood trees worth about Rs.3,50,000/- and they have agreed to pay the value of the trees to the defacto complainant. But, subsequently, they did not pay the said amount and thereby cheated the defacto complainant.

7. Hence, the arguments of the learned counsel for the petitioners that there is no material available and only based on the contract between the parties, the petitioners have cut and removed the teakwood trees, are not at all sustainable.

8. In view of the above, there are sufficient materials available against the petitioners. Therefore, this Court finds no reason to quash the F.I.R registered against the petitioners in Crime No.83 of 2016 pending on the file of the first respondent.

In the result, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

/True copy/

Sub Assistant Registrar



To:

1.The Inspector of Police,
Siruganur Police Station,
Trichy District.

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

+1cc to Mr.M.Pitchaimuthu, Advocate Sr.No.12515
+1CC TO MR.R.S.SIVARAM, ADVOCATE SR.NO.12378

pm

sm:skn-rsk:09/03/2017:3P/5C

Cr1.O.P.(MD) No.10518 of 2016
03.03.2017
2/2