



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.13992 of 2017
and
CRL.M.P.(MD) No.9377 of 2017

1.Murugan
2.Ulagammal

... Petitioners / Accused No.1 and 2

Vs.

1.The Inspector of Police,
Puliyankudi Police Station,
Puliyankudi,
Kadayanallur Taluk,
Tirunelveli District.
(in Crime No.379 of 2017)

... Respondent / Complainant

2.Senthilkumar

... Respondent / De-facto
complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to FIR in Crime No.379 of 2017 on the file of the respondent police and quash the same as against the petitioners.

For Petitioner : T.Indrachithu
For Respondents :Mr.K.S.Durai Pandian
Additional Public Prosecutor
for R.1

ORDER

This Criminal Original Petition is filed to quash FIR in Crime No.379 of 2017 on the file of the respondent police, as against the petitioners.

2.The petitioners are the Accused Nos.1 and 2 in the criminal complaint in Cr.No.379 of 2017, which was lodged by the second respondent/de-facto complainant. On the promise of getting employment in the Electricity Department, it is stated in the complaint that the de-facto complainant has given a sum of Rs.2,00,000/- to the first petitioner and that thereafter, when the de-facto complainant approached the accused for employment, the petitioners had threatened the defacto complainant.



3. Since, the complaint discloses *prima facie* the offence punishable under Section 420 IPC, this Court is not inclined to entertain this petition.

3. The learned Counsel for the petitioners states that there is no specific allegations made against the second petitioner, who is the wife of the first petitioner and that she has been falsely implicated in this case.

4. On a reading of the complaint, it shows that initially a sum of Rs.50,000/- was paid to the first petitioner and that further allegations are against both the petitioners. The truth or otherwise of the allegations in the complaint cannot be gone into in this proceedings, where the petition is filed to quash the criminal complaint. It is open to the petitioners to establish the non-involvement of the second petitioner in this case. Even before this Court, the receipt of money is not in dispute. The petitioners are also not prepared to settle the amount, which they have received under the guise of getting employment in Electricity Department to the defacto complainant. The petitioners are not holding any post in the Electricity Department to offer employment and that therefore, the intention of the petitioners cannot be interpreted otherwise but would clearly establish the offence. In such circumstances, this petition is dismissed as devoid of any merits. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Puliyankudi Police Station,
Puliyankudi, Kadayanallur Taluk,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.OP. (MD) No.13992 of 2017
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CMR

KK/SV MMS/SAR 3/04.12.2017/ 2P- 3C/