



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.14687 of 2017

Xavier Babu . . . Petitioner/Sole Accused
Vs.

1. State rep. by,
The Inspector of Police,
Somarasampettai Police Station,
Tiruchirappalli District.
(Crime No.368 of 2012)

2. S.R.Sivakumar . . . Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records in First Information Report in Crime No.368 of 2012, dated 12.10.2012 on the file of the first respondent police and to quash the same.

For Petitioner : Mr.S.Sathish Kumar
For R-1 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for quashing the First Information Report in Crime No.368 of 2012, dated 12.10.2012 on the file of the first respondent police.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. It is stated that a complaint was lodged as against the petitioner on 12.10.2012 for the alleged offences under Sections 294 (b), 409 and 506 of I.P.C. It is admitted that the petitioner is the agent of Life Insurance Corporation. It is the case in the complaint against the petitioner that the petitioner has collected some money from one of the clients of Life Insurance Corporation toward premium but did not pay the money. Though the complaint was lodged in the year 2012, no further action was taken so far. It is in these circumstances, the petitioner has come forward with this petition.

4. Learned Additional Public Prosecutor however on instructions submitted that investigation is almost completed and that Charge Sheet is likely to be filed within a short time.



5. Mere delay in filing Charge Sheet does not enable the petitioner to quash the First Information Report. Except denying the factual contentions in the complaint by stating that the defacto complainant has given a false complaint only to deprive the commission payable by the Life Insurance Corporation to the petitioner, no other legal ground is made to quash the First Information Report. Hence, the Criminal Original petition is dismissed as devoid of merits.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Somarasampettai Police Station,
Tiruchirappalli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.S.Sathish Kumar, Advocate SR.No. 84679

Crl.O.P.(MD).No.14687 of 2017
01.11.2017

pmu

JM/SV MMS/SAR 1/17.11.2017/2P/4C