



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH**Cr1.O.P.(MD) No.3867 of 2017****&****Cr1.M.P.(MD)No.2841 of 2017**

Irutharaj @ Iruthasamy

... Petitioner / A1

-vs-

1.The State Rep. by

The Inspector of Police,

Thalavaipuram Police Station,

Virudhunagar District.

... Respondent /Complainant

2.S.Mahadevan

... Respondent / De-facto
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the FIR in connection with Crime No.498 of 2015 on the file of the Inspector of Police, Thalavaipuram Police Station, Virudhunagar District and quash the same forthwith.

For Petitioner : Mr.S.Palani Velayutham

For R1

: Mr.A.P.Balasubramani

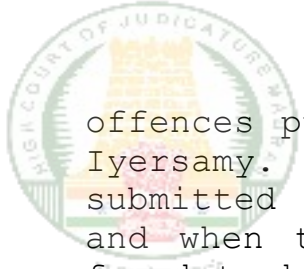
Govt. Advocate (Cr1. side)

O R D E R

This petition has been filed to call for the FIR in connection with Crime No.498 of 2015 on the file of the Inspector of Police, Thalavaipuram Police Station, Virudhunagar District and quash the same.

2.Heard Mr.S.Palani Velayutham, learned counsel for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the first respondent. Mr.B.Balaji, Special Sub-Inspector of Police, Thalavaipuram Police Station, Virudhunagar District, is present.

3.On the compliant lodged by the R.T.O., Sankarankovil, the second respondent herein, the first respondent police has registered a case in Crime No.498 of 2015, on 30.09.2015, for the



offences punishable under Sections 468 and 471 I.P.C. against one Iyersamy. It is stated in the complaint that the said Iyersamy submitted certain Certificates for getting Heavy Vehicle Licence and when the Certificates were sent for verification, they were found to be fake. On the confession of Iyersamy, this petitioner has been implicated as an accused.

4. At this juncture, before this Court, for quashing the F.I.R. on the ground that the petitioner has been falsely implicated in this case, the learned counsel for the petitioner submitted that at the time when the incident is alleged to have taken place, the petitioner was under suspension and therefore, there is no possibility for the petitioner to involve in the said offence. In the considered opinion of this Court, that cannot be a ground for interference by this Court at this stage particularly, when the investigation is in progress.

5. In the result, since there are *prima facie* materials in the FIR, the same cannot be quashed in the light of the principles laid down by the Hon'ble Supreme Court in the case of **State of Haryana Vs. Bhajan Lal and others**, reported in **AIR 1992 SC 604**. Hence, this Criminal Original Petition is dismissed with a direction to the first respondent police to thoroughly complete the investigation in Crime No.498 of 2015 expeditiously and during investigation, if it is found that the petitioner was not involved in the offence, it is needless to state that the prosecution against him should have to be dropped. Otherwise, the petitioner will have to face the prosecution for the alleged offences. The Deputy Superintendant of Police, Rajapalayam, Virudhunagar District, is directed to monitor the case in Crime No.498 of 2015, on the file of the Thalavaipuram Police Station, Virudhunagar District. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

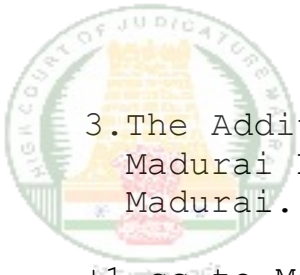
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Sub Assistant Registrar

To:

1. The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

2. The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.



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

+1 cc to Mr.S.Palani Velayutham , Advocate in SR.No. 50885

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