



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

CORAM:

THE HON'BLE MR. JUSTICE G. CHOCKALINGAM

Crl.O.P. (MD) No. 7624 of 2013

and

M.P(MD) No. 2 of 2013

M. Jagen Mohan

: Petitioner/Accused No.2

Vs.

1. State by

Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

: 1st Respondent/Complainant

2. K.V.M. Jeeva

: 2nd Respondent/Defacto Complainant

Prayer: This petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the case pending investigation in Crime No.478 of 2012 on the file of the respondent police and quash the same.

For Petitioners : Mr.K.Elangovan

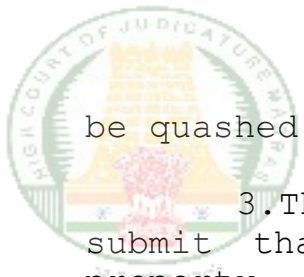
For 1st Respondent : Mr.A.P.Balasubramani
Government Advocate (Crl. Side)

For 2nd Respondent : Mr.A.Abdul Kadhar
for M/s.EDDY & EMBBOSS

O R D E R

This petition is filed to call for the records pertaining to the case in Crime No.478 of 2012 on the file of the 1st respondent police and quash the same.

2. The learned counsel appearing for the petitioner would submit that the transaction between the petitioner and 2nd respondent is civil in nature and the same has been given criminal colour and that the 2nd respondent/de-facto complainant suppressed the payment of Rs.18,00,000/- made by the petitioner till 31.07.2012 and filed a false complaint in the month of November 2012 and that there is no incriminating material available against the petitioner to frame the charge under Section 420 IPC. Hence, he prayed that the FIR filed against the petitioner is liable to



be quashed.

3. The learned counsel appearing for the 2nd respondent would submit that neither the petitioner is not the owner of the property, nor power agent to collect the amount on behalf of the owner of the property and the petitioner with an intention of cheating the 2nd respondent has received money from the 2nd respondent and retained the same in his possession from the beginning and the case was properly registered under Section 420 IPC and there is no need to quash the FIR filed against the accused persons and prayed for the dismissal of the petition.

4. Heard the learned Government Advocate (Criminal side) appearing for the 1st respondent.

5. This court has heard the submission made on either side and perused the materials available on record.

6. It is seen from the records that the petitioner is not the owner of the property in dispute and he has not authorised by the owner of the property to collect money. It is admitted that the petitioner has received Rs.18,00,000/- from the 2nd respondent in three different occasions.

7. It is to be noted here that the original owner of the property sold the property in dispute to some other third party in the year 2011 and the same was informed to the 2nd respondent by the petitioner. Even though, the petitioner has stated in his affidavit that he had informed the 2nd respondent about the selling of the Kodaikanal property to the third party by his owner and after some time, he had settled more than 16,00,000/-, he has not settled the entire money till date. Hence, this court is of the considered view that it is clearly revealed that *prima facie* materials are available against the petitioner to frame charge under Section 420 IPC. Hence, the contention of the petitioner that the matter is civil in nature and the FIR registered against the petitioner is not at all maintainable, has no merit.

8. In the result, this petition is **dismissed** with a direction to the Investigating Authority to complete the investigation of the Crime No.478 of 2012 and file a final report before the court concerned, within a period of one month from today. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/



er

To,

1.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

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

+1cc to M/s EDDY & EMBBOSS, Advocate Sr.No. **4603**

JAM/02.02.17/RR-BS/ 3P-4C

Cr1.O.P. (MD) No.7624 of 2013

25.01.2017