

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.12.2018

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI. OP. No.28476 of 2009
MP No.1 of 2009 & MP.No.2 of 2010

Lakshmi Narasima Rao

..Petitioner / Accused

Vs.

1.State Rep by
Sub-Inspector of Police,
Team XV - A,
Central Crime Branch,
Egmore, Chennai.

2.Ponnammal Educational Public Charitable Trust,
Rep. by its Chairman,
Old No.1, New No.3, First Trust Link Street,
Mandaiveli, Chennai 600 028. ..Respondents

[R.2 impleaded vide order dated 23.03.2010 in M.P.No.1 of 2010]

Prayer: This petition is filed under Section 482 of Criminal Procedure Code to call for records pertaining to the FIR registered in Crime No.605 of 2009 on the file of the Sub - Inspector of Police, Central Crime Branch, Egmore, Chennai and quash the same.

For Petitioner :Mr.C.P.Palanichamy

For Respondent :Mr.T.Shanmuga Rajeswaran
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed by the petitioner to quash the First Information Report pending against him in Crime No.605 of 2009 on the file of Sub-Inspector of Police, Central Crime Branch, Egmore, Chennai.

2. According to the petitioner, he is no way connected with the alleged transaction between the 1st accused and the defacto complainant and his name has been included in the First Information Report by way of interpolation in the complaint.

Therefore, he prays for allowing the present petition.

3. The learned Government Advocate who appears for the respondent / police would submit that the petitioner is also having a nexus for the offence alleged in the complaint and his name has been included by the complainant not by way of interpolation and he cannot be totally eschewed from the complaint.

4. The learned counsel appearing for the defacto-complainant had pointed out that the petitioner has come forward to settle the amount and has also issued cheques bearing Nos. 236581 to 236587 and those cheques have been dishonoured for "payment stopped". The petitioner had also parted with a sum of Rs.25,00,000/- cash towards the said fraud committed in the course of commission of offence. With regard to the cheques given by the petitioner, separate proceedings have been instituted and are pending before the concerned Magistrate Court under Section 138 of the Negotiable Instrument Act.

5. Heard the learned counsel appearing for the respective parties and perused the documents placed on record.

6. The only point canvassed by the petitioner is that there is no nexus for the petitioner in the alleged crime registered by the respondent police in Crime No.605 of 2009. He also drew the attention of this Court to the complaint, wherein the name of the petitioner has been included by way of interpolation. But, in contrary, the petitioner had also parted with a sum of Rs.25,00,000/- towards the transaction and also issued cheques in favour of the complainant to discharge his liability. Whether any offence has been made in the alleged transaction and whether the petitioner had parted with the amount as his liability or for his son's liability, are to be decided by the Investigating Authority during the course of investigation.

7. Therefore, at the threshold, this Court is not inclined to allow this application. Moreover, the case, which was registered in the year 2009, is kept pending at the stage of FIR for the past 9 years and therefore, this Court is of the considered view that it would be suffice to direct the Investigating Agency to complete the investigation within a stipulated time frame.

8. Accordingly, the Investigating Authority / first respondent is directed to conduct the investigation and conclude the same within a period of four months from the date of receipt of copy of this order. The Investigating Authority shall look into the grounds that are raised by the petitioner in this petition, during the course of investigation and file the final

report in a fair and impartial manner.

9. In fine, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rka/gk

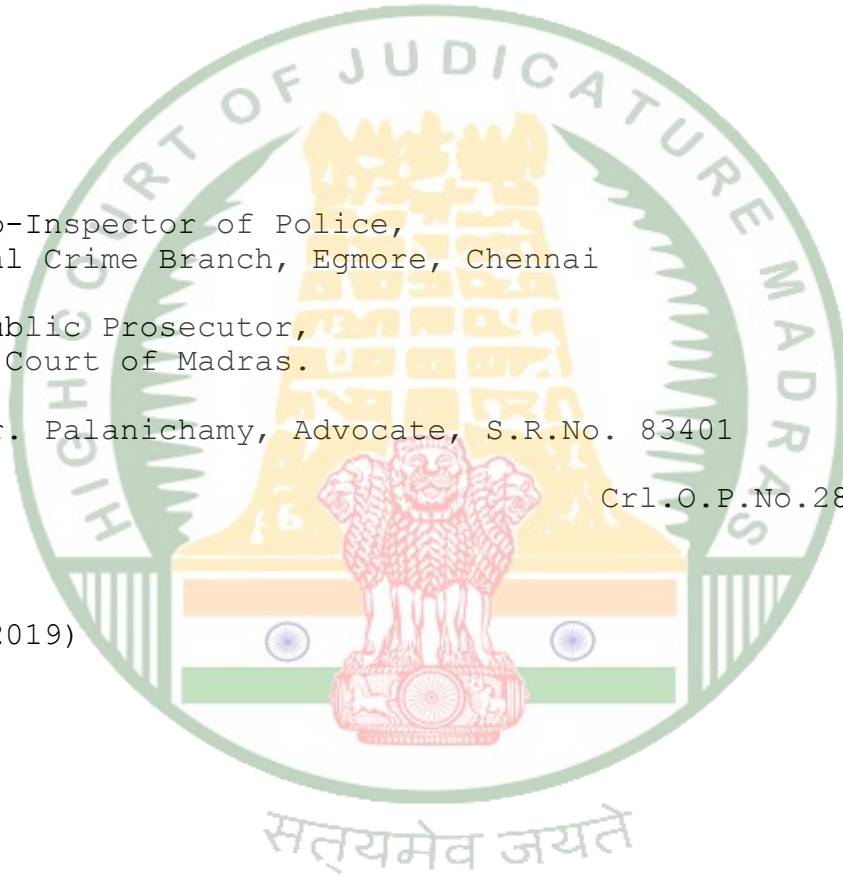
To

1. The Sub-Inspector of Police,
Central Crime Branch, Egmore, Chennai
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr. Palanichamy, Advocate, S.R.No. 83401

Crl.O.P.No.28476 of 2009

RSV (CO)
GN (25/07/2019)



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