

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.08.2018

PRONOUNCED ON : 01.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

Criminal Original Petition No.3571 of 2018
and CrI.M.P.No.1582 of 2018

Apoorva Dadha

... Petitioner

Vs.

1.The Inspector of Police
Ooty West Police Station
Ooty, Nilgiris District.

2.Vasudha Chakravarthi

... Respondent

Prayer:- Petition filed under Section 482 Cr.P.C., to call for the records in Cr.No.11 of 2016 and quash the same.

For Petitioner : Mr.A.M.O.Gurunarayana Rao

For R1 : Mrs.M.Prabhavathi
Addl.Public Prosecutor

For R2 : Mr.S.V.Pravin Rathinam

O R D E R

This petition has been filed to call for the records in Cr.No.11 of 2016 and quash the same.

2. On the complaint lodged by the second respondent, the first respondent police have registered a case in Cr.No.11 of 2016 on 08.01.2016 under Sections 420 and 465 IPC against the petitioner herein, for quashing which, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the first respondent-State and the learned counsel for the de facto complainant.

4. It is the case of the de facto complainant that she is a nature photographer and is an artist by profession; she got in

touch with the accused who owns a property in Ooty, which was in shambles; the accused requested the de facto complainant to renovate his property; the de facto complainant worked day and night and invested around Rs.6 lakhs and renovated the property; thereafter, the accused devised an ingenuous plan to physically dispossess her by continuously harassing her. Hence, the complaint and the consequent FIR.

5. Learned counsel for the accused submitted that a purely civil transaction has been given a criminal colour and therefore, the FIR should be quashed.

6. Per contra, the learned counsel for the de facto complainant refuted the contentions and submitted that the accused had adopted an ingenuous method to cheat the de facto complainant over a period of time and after obtaining her expertise, skill and investment, has completely repudiated the transaction and had continued to harass her.

7. This Court gave its anxious consideration to the rival submissions.

8. On a reading of the FIR it is seen that the de facto complainant has alleged that the accused had made certain promises to her even at the inception with an idea to cheat her. The FIR prima facie discloses the commission of a cognizable offence and it is too early to hold that the transaction between them was entirely contractual. In fact, the de facto complainant has alleged that she was pushed to commit suicide by the accused and all this requires a detailed investigation. Hence, this is not a fit case to quash the FIR at the threshold.

9. Accordingly, this petition is dismissed with a direction to the respondent police to complete the investigation expeditiously and file either a closure report or a charge sheet, as the case may be, under due intimation to the de facto complainant. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
Ooty West Police Station

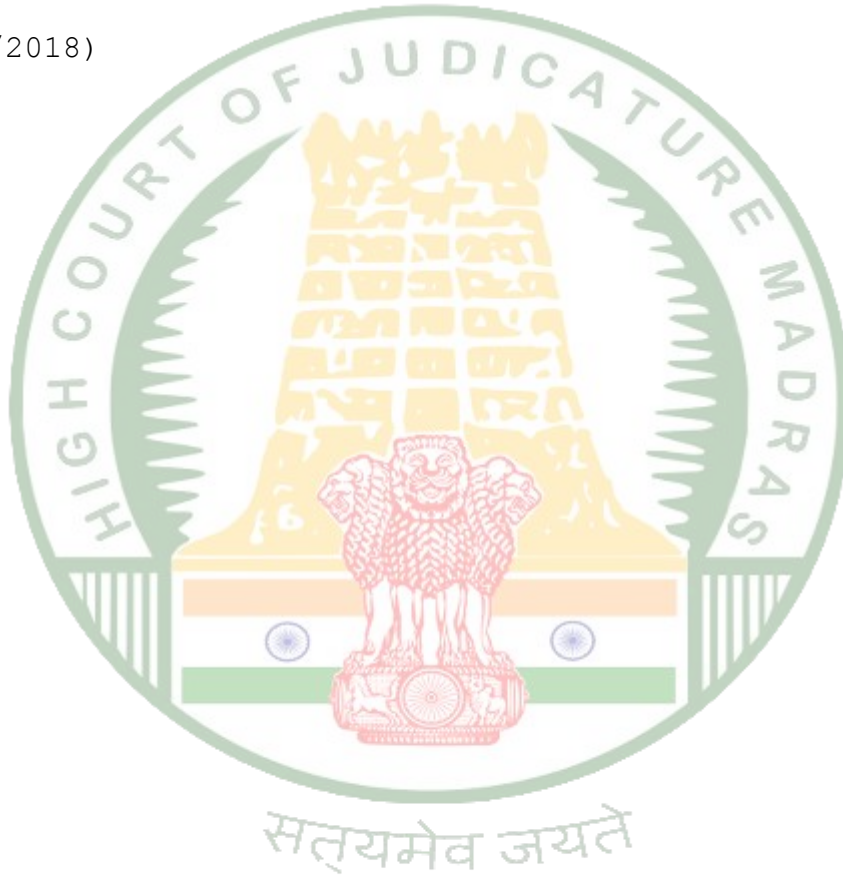
Ooty, Nilgiris District.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.Hari & Guru Associates, Advocate SR.No.67655

Cr1.O.P.No.3571 of 2018

GMV (16/10/2018)



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