

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2018

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.20623 of 2018
and Crl.M.P.No.11082 of 2018

1.P.Mahalakshmi
2.P.Lakshmi
3.P.Sivakumar @ Siva

..Petitioners

Vs.

1.The Inspector of Police
CCB-Team I, Vepery, Chennai - 7
2.S.Venkateshlal

..Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the proceedings in Crime No.315 of 2018 dated 24.07.2018 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.R.C.Paul Kanagaraj

For R1 : Mr. M. Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records pertaining to the proceedings in Crime No.315 of 2018 dated 24.07.2018 on the file of the 1st respondent police and quash the same.

2. On the complaint lodged Venkateshlal (2nd respondent), the first respondent police have registered a case in Cr.No.315/2018 on 24.07.2018 under Sections 420 and 506(ii) IPC against Panneerselvam [A1], Mathi [A2], Lakshmi [A3], Mahalakshmi [A4], Siva @ Sivakumar [A5], Akbar Sultan [A6] and Iyer (Krishnamoorthy) [A7], for quashing which, Lakshmi [A3], Mahalakshmi [A4], Siva @ Sivakumar [A5] are before this Court.

3. Heard Mr.R.C.Paul Kanagaraj, learned counsel for the petitioners and Mrs.M.Prabhavathi, learned Additional Public Prosecutor for the first respondent-State.

4. The allegation in the FIR is that Panneerselvam [A1] had collected a sum of Rs.51,00,000/- from the de facto complainant in the year 2012 for arranging a loan of Rs.5,00,00,000/-. But thereafter, neither arranged the promised loan, nor returned the

amount. When the de facto complainant approached him on 17.01.2014 at his residence for return of the loan amount, Panneerselvam [A1], his wife Lakshmi [A3], daughter Mahalakshmi [A4] and others criminally intimidated the de facto complainant; Panneerselvam [A1] brandished a pistol at the defacto complainant and warned him that he will open fire if he insists on repayment; once again on 04.07.2018, when the de facto complainant approached Panneerselvam [A1], he is said to have brandished a pistol and threatened him. Hence the complaint and the consequent FIR.

5. On a reading of the FIR it is seen that on the alleged date of incident, Panneerselvam's [A1] daughter Mahalakshmi [A4] and son Sivakumar [A5] were both minors. Even if the complaint is accepted as gospel truth, the only allegation against them is that they were in the house when Panneerselvam [A1] brandished the firearm.

6. The learned Additional Public Prosecutor submitted that there are 14 cases against Panneerselvam [A1] and that he has been detained under Act 14 of 1942.

7. In such view of the matter, this petition is partly allowed. The prosecution in Cr.No.315 of 2018 as against Mahalakshmi [A4] and Sivakumar [A5] is hereby quashed and the investigation as against the other accused, viz., Panneerselvam [A1], Mathi [A2], Lakshmi [A3], Akbar Sultan [A6] and Iyer (Krishnamoorthy) [A7] shall proceed in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
CCB-Team I, Vepery,
Chennai - 7.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.C.Paul Kanagaraj, Advocate, S.R.No.61445.

Cr1.O.P.No.20623 of 2018

rrs 18/09/2018