

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2018

CORAM:

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

Crl.O.P.No.22278 of 2018
Crl.M.P.Nos.12322 and 12823 of 2018

1.Praveen Kumar
2.Sukanya

Petitioners

Vs.

State represented by
The Inspector of Police
M-1, Madhavaram Police Station
Chennai.

Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records in Cr.No.1137 of 2017 on the file of the respondent and quash the same.

For Petitioners: Mr.P.Parthipan
For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records in Cr.No.1137 of 2017 on the file of the respondent and quash the same.

2. On the complaint lodged by Vijayan, the respondent police registered a case in Cr.No.1137 of 2017 on 30.05.2017 under Sections 381, 384 and 506(ii) IPC against Praveen Kumar [A1] and Suganya [A2], for quashing which, the accused have filed this petition.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

4. Today, Mr.Kingsly Jeba, Sub-Inspector of Police, M-1, Madhavaram Police Station, is present.

5. On a reading of the FIR in Cr.No.1137 of 2017 it is seen that Suganya was working under the de facto complainant in the tire factory owned by him; on 01.08.2016, the de facto complainant's brother Karan Raj had handed over Rs.50 lakhs to the de facto complainant, which represented the sale proceeds of

a family property; this amount was handed over in the office of the de facto complainant and Suganya was aware of it; the de facto complainant kept the money in his house for safe custody; on 03.08.2016 around 11.30 a.m., Suganya and Praveen Kumar came to the residence of the de facto complainant and at knife point, they took away the sum of Rs.50 lakhs and also the title deeds of his property by threatening that they would file a case against the de facto complainant alleging that he had raped Suganya; the de facto complainant fearing dishonour, had not made any complaint to anyone; again on 27.05.2017, Praveen Kumar came to the residence of the de facto complainant and demanded another sum of Rs.50 lakhs for returning the property documents. Therefore, on 30.05.2017, the de facto complainant lodged the present complaint, based on which, the FIR was registered in Cr.No.1137 of 2017 and Praveen Kumar and Suganya were arrested and remanded to custody.

6. Learned counsel for the petitioners submitted that the entire case has been foisted, because, the de facto complainant was sexually harassing Suganya [A2] and on coming to know of that, Praveen Kumar [A1], who is her friend, interceded on her behalf and questioned the defacto complainant. Fearing that they would go to the Police first, the de facto complainant who has his office next to the Police Station, managed to have the present FIR registered on 30.05.2017 in connivance with the police and had Praveen Kumar [A1] and Suganya [A2] arrested. After Praveen Kumar [A1] was released on bail, the de facto complainant also obtained a sale deed dated 14.07.2017 forcibly from Praveen Kumar [A1] with the help of the police. Learned counsel submitted that even in the sale deed, the sale consideration has been shown as Rs.4,23,000/-, which, Praveen Kumar [A1] is said to have received as cheque from the de facto complainant. It is his contention that no amount was paid by the de facto complainant and the de facto complainant had obtained the sale deed by misrepresentation.

7. Per contra, learned Additional Public Prosecutor refuted the contentions.

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

9. In the opinion of this Court, there are prima facie materials in the FIR and therefore, the same cannot be quashed. However, this Court is of the view that a thorough investigation by a Senior Police Officer requires to be done in this case, because the story of the de facto complainant that he remained quiet from 03.08.2016 to 30.05.2017 after he had lost Rs.50 lakhs appears little doubtful. Hence, interest of justice would be served if the investigation is transferred from the file of Madhavaram Police Station to the Central Crime Branch, Chennai.

Accordingly, this Court directs the Inspector of Police, Madhavaram Police Station to hand over the case diary in Cr.No.1137 of 2017 to the Deputy Commissioner of Police, Central Crime Branch, Chennai within two weeks from the date of receipt of a copy of this order. The Deputy Commissioner of Police, Central Crime Branch, shall assign the case to a competent Officer of the rank of Assistant Commissioner in the Central Crime Branch for a thorough investigation.

With the above direction, this petition is ordered accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gms
To

1. The Inspector of Police
M-1, Madhavaram Police Station
Chennai.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.G.Ashok Kumar, Advocate SR.NO.69053

+1cc to Mr.G.Ashok Kumar, Advocate SR.NO.69053(09/11/2018)

RR(CO)
sm:26.10.2018

Cr1.O.P.No.22278 of 2018

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