

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.21109 of 2018 and
Crl.M.P.No.11458 of 2018

R.Sundarraaj

... Petitioner/2nd Accused

Vs

1. The State of Tamil Nadu
Represented by the Inspector of Police,
Annur Police Station,
Annur, Coimbatore District. ... Respondent/ Complainant
2. R.Madhan Kumar
... Respondent/ Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for records of the 1st respondent and quash the FIR in
Crime No.295 of 2018, on the file of the Annur Police Station,
Coimbatore, as against the petitioner herein.

For Petitioner : Mr.A.Ashok Kumar

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

O R D E R

This Criminal Original Petition has been filed to call for
records of the 1st respondent police and quash the FIR in Crime
No.295 of 2018, on the file of the Annur Police Station,
Coimbatore, as against the petitioner herein.

2. On the complaint lodged by one R.Madhan Kumar, the 2nd
respondent herein, the 1st respondent police registered a case in
Crime No.295 of 2018 on 10.07.2018 under Section 380 IPC against
one Sasikumar (A1) and Sundarraaj (A2), for quashing which,
Sundarraaj (A2) is before this Court.

3. To prove the contentions raised by the learned counsel
for A2/petitioner, it may be necessary to advert to the
allegations in the FIR. It is the case of the de facto

complainant that he is the Manager of Windsor Cotton Mills Pvt. Ltd., Coimbatore, run by Sundarraaj (A2) for servicing of their Auto Coner Machine; the company found 'Yarn Clearer' worth Rs.7,20,000/- and materials related to 'Crame boy' machine worth Rs.90,000/- missing, when one Sasikumar (A1) of Naren Textiles India Pvt. Ltd., Coimbatore, used to come to spinning mill for attending repair works; they suspect the involvement of the said Sasikumar (A1) and his boss Sundarraaj (A2) in the theft. Hence, the complaint and the FIR.

4. The learned counsel for A2/petitioner submitted that a purely civil dispute has been given a criminal colour, inasmuch as, there has been exchange of notices between Sundarraaj (A2) and the de facto company. He further contended that in order to avoid making payment to Sundarraaj (A2), the de facto complainant has given a false complaint.

5. In the opinion of this Court, disputed questions of fact cannot be gone into, in a petition under Section 482 Cr.P.C. When there are prima facie materials in the FIR, the same cannot be quashed in the light of the law laid down by the Supreme Court in State of Haryana v. Bhajan Lal & Others [AIR 1992 SC 604 : 1992 Supp (1) SCC 335].

6. Hence, this petition is closed with a direction to the Deputy Superintendent of Police, in charge of Annur Police Station, Coimbatore, to personally monitor the investigation in Annur Police Station Crime No.295 of 2018, and if during investigation, it is found that the alleged goods were not stolen by A2/petitioner, it is needless to state that further action against him should be dropped. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Annur Police Station,
Annur, Coimbatore District.
2. The Deputy Superintendent of Police,
(In charge of Annur Police Station)
Coimbatore.

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3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Sivalinga Kesavan, Advocate, S.R.No.59915

CrI.O.P.No.21109 of 2018

RJI (CO)
GSP (03/08/2018)



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