

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.23917, 18405 and 25049 of 2017

AND

Crl.M.P.No.13853 of 2017 in Crl.O.P.No.23917 of 2017
and Crl.M.P.No.11223 of 2017 in Crl.O.P.No.18405 of 2017

Crl.O.P.No.23917 of 2017

T.Nirmala

Vs

.. Petitioner

1. The State represented by
Inspector of Police,
B-1, Police Station North Beach,
Chennai - 1.

2.A.Ganesan

3.Manimegalai

.. Respondents

Criminal Original Petition filed under Section 482 of
Cr.P.C., praying to call for records relating to Crime No.1083
of 2017 pending on the file of the 1st respondent North Beach
Police Station and quash the same.

For Petitioner : Mr.N.Suriya Muthu

For Respondents : Mr.C.Raghavan [for R1], GA
Mr.O.S.Vijay Sarathi[for R2 & R3]

Crl.O.P.No.18405 of 2017

Thiruvasakam

Vs

.. Petitioner

1. The State represented by
Inspector of Police, (Crime)
B-1, Police Station North Beach,
Chennai - 78 (Cr.No.1042/17).

2. Ganesan

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for records quash the Crime No.1083 of 2017 on the file of the 1st respondent and pass.

For Petitioner : Mr.N.Suriya Muthu
For Respondents : Mr.C.Raghavan [for R1], GA
Mr.O.S.Vijay Sarathi[for R2]

Cr1.O.P.No.25049 of 2017

M.Ganesan

.. Petitioner

Vs

1. The Commissioner of Police,
Vepery, Chennai.

2. State rep. by The Inspector of Police,
B-1, North Beach Police Station,
Chennai - 600 001.
Crime No.1083 of 2017

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to change the investigation from 2nd respondent police The Inspector of Police, B-1, North Beach Police Station, Chennai to any other police to conduct appropriate investigation in the above case in B-1 Crime No.1083 of 2017 and consequently direct the trial Court to conduct speedy trial in the above case in B-1 Crime No.1083 of 2017 on the file of the VII Metropolitan Magistrate at George Town Chennai.

For Petitioner : Mr.N.Suriya Muthu
For Respondents : Mr.C.Raghavan [for R1], GA
Mr.O.S.Vijay Sarathi[for R2 & R3]

C O M M O N O R D E R

Ganesan lodged a complaint in Cr1.M.P.No.1616 of 2017 before the VII Metropolitan Magistrate, George Town and on the directions of the learned Magistrate under Section 156[3] Cr.P.C., the respondent Police have registered a case in Crime No.1083 of 2017 on 20.07.2017 under Section 420 IPC against Thiruvassakam and Nirmala. Thiruvassakam has filed Cr1.O.P. No.18405 of 2017 for quashing the FIR in Crime No.1083 of 2017 and Nirmala has filed Cr1.O.P. No.23917 of 2017 for the same relief. However, Ganesan has filed Cr1.O.P. No.25049 of 2017 for transfer of investigation in Crime No.1083 of 2017.

2.Heard the learned counsel for Thiruvassakam, Nirmala and learned Government Advocate and Ganesan, Party-in-Person.

3.It is the case of Ganesan that the accused had collected money from him on the promise of getting employment in the Government for his son-in-law and thus, cheated him to a tune of Rs.9,00,000/-.

4.Per contra, learned counsel for the accused submitted that Ganesan had actually lent money to the accused for hotel business and that, the accused had repaid the amounts in installments. However, Ganesan has given a false complaint stating that the accused has taken money on the promise of getting employment. In support of the contention, learned counsel for the accused produced a letter dated 13.10.2015 sent by Ganesan to Thiruvasakam.

5.Though there is sufficient force in the submission of the learned counsel for the accused, disputed questions of fact cannot be gone into in a petition under Section 482 Cr.P.C. Hence, the petitions in Crl.O.P.Nos. 18405 of 2017 and 23917 of 2017 for quashing the FIR are closed with a direction to the Assistant Commissioner of Police, Flower Bazaar, to monitor the investigation in Crime No.1083 of 2017 and complete the same within a period of three months from the date of receipt of a copy of this order and file a Closure Report or a Final Report as the case may be.

6.As regards, Crl.O.P.No.25049 of 2017, this Court is of the view that in view of the above directions, it may not be necessary to transfer the investigation to any other agency. Hence, Crl.O.P.No.25049 of 2017 is dismissed.

Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

1. The Commissioner of Police,
Vepery, Chennai.

2.The Inspector of Police,
B-1, North Beach Police Station,
Chennai - 600 001.

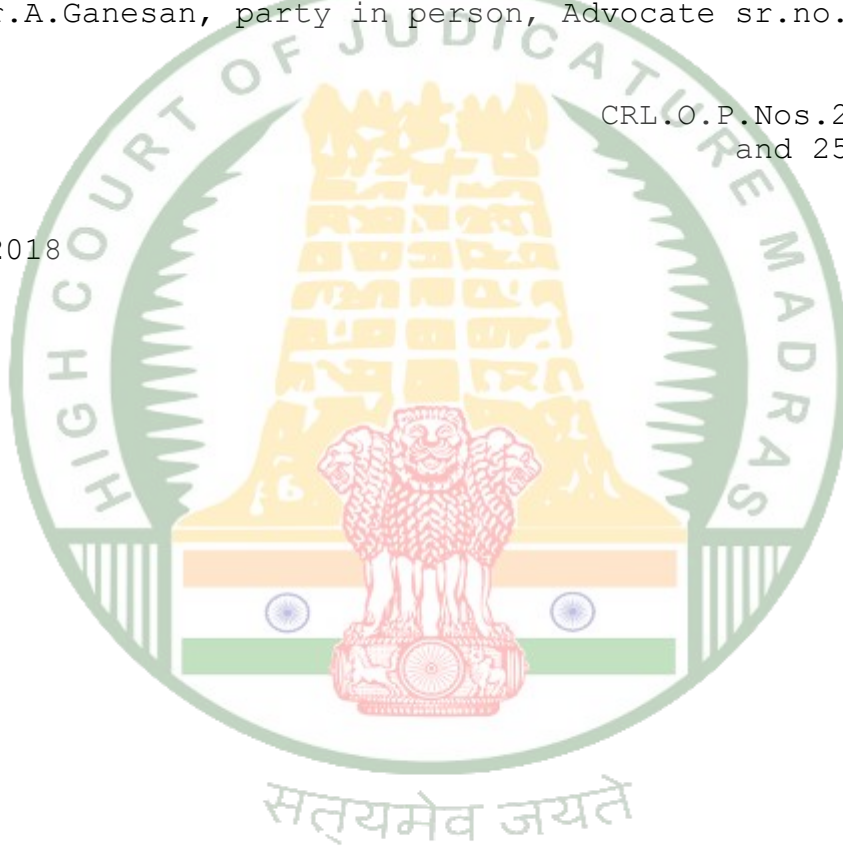
3.The Public Prosecutor,
High Court, Madras.

4.The Assistant Commissioner of Police,
Flower Bazaar, Chennai.

+2cc to Mr.N.Suriya Muthu, Advocate sr.no.47993 & 47994
+1cc to Mr.O.S.Vijay Sarathi, Advocate sr.no.48592
+1cc to Mr.A.Ganesan, party in person, Advocate sr.no.48869

CRL.O.P.Nos.23917, 18405
and 25049 of 2017

spd(co)
nr 30/07/2018



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