

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.11659 of 2018

and Crl.M.P.No.6084 of 2018

Ashokan ... Petitioner

Vs

1.The Inspector of Police,
E-3 Teynampet Police Station [Crime],
Teynampet, Chennai-18.

2.M.Jayaraman ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in FIR No.1946/2017 on the file of E-3 Teynampet Police Station [Crime], Teynampet, Chennai-18, the 1st respondent herein and quash the same in so far as the petitioner/accused-1 is concerned.

For Petitioner :Mr.G.V.Sridharan

For Respondent :Ms.P.Kritika Kamal,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the proceedings in FIR No.1946 of 2017 on the file of the 1st respondent.

2.On the complaint lodged by Jayaraman, the respondent Police have registered a case in Crime No.1946 of 2017 on 22.11.2017 for the offences under Sections 406 and 420 of IPC against Ashokan (A1), Suresh (A2), Ramani (A3), Dakshinamoorthy (A4) and Babu (A5). Challenging the FIR, the petitioner/A1 has filed the present quash application.

3.The learned counsel appearing for the petitioner/A1 submitted that A1 was in jail during the relevant point of time and his name was misused by A2 to A5 for cheating the defacto complainant.

4. On a reading of the FIR, it is alleged by the defacto complainant that he gave his Car to the accused for E-Taxi Service; that when the Car was given, the accused were running their office in DBS Building, II Floor, Katheetral Garden Road, Nungambakkam, Chennai-34; that the accused took the Car on one fine day he vanished from the business place; that the accused had shifted their business to another place; that when the defacto complaint and similarly placed others started demanding the return of the Car and money, A2 to A5 seems to have threatened the defacto complainant. Of course, even in the complaint, the defacto complainant has disclosed that the accused (A1) was in jail, when they demanded return of the vehicle. As regards the contention of the learned counsel appearing for A1 that the accused 2 to 5 had misused his name and cheated the defacto complaint, it is question of fact, which cannot be decided in a quash petition.

Hence, this Criminal Original Petition is closed with a direction to the respondent police to investigate the case thoroughly and if it is found that the name of the petitioner has been misused by A2 to A5, it is needless to state that the prosecution case against the petitioner should be dropped. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Inspector of Police,
E-3 Teynampet Police Station [Crime],
Teynampet, Chennai-18.

2. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr. G.V. SRIDARAN, Advocate, S.R.No. 28683

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TR(07/05/2018)