

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2018

CORAM:

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

CrI.O.P. No.23640 of 2018

K.Saminathan

Petitioner

vs.

- 1 State of Tamil Nadu
represented by the Inspector
of Police (Cr. Branch)
O/o the District Superintendent of Police
Tiruvallur District,
Tiruvallur. ...1st Respondent/complainant
- 2 S. Sathis Kumar ...Respondents/Defacto
Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records and quash the FIR in Cr. No.37 of 2016 on the file of the first respondent police based on the de facto complainant's complaint dated 05.12.2016.

For petitioner Mr. M. Lalbagadur
For R1 Mrs. M. Prabhavathi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been preferred seeking to call for the records and quash the FIR in Cr. No.37 of 2016 on the file of the first respondent police, based on the de facto complainant's complaint dated 05.12.2016.

2 On the complaint lodged by the second respondent, the first respondent police registered a case in Cr. No.37 of 2016 on 27.12.2016 under Sections 406, 420 and 34 IPC against four accused, for quashing which, Saminathan (A4) is before this Court.

3 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent State.

4 Today, Mr. K. Ramesh Babu, Special Sub Inspector of Police, District Crime Branch, Thiruvallur, is present before this Court.

5 The learned counsel for the petitioner submitted that the petitioner was not at all involved in the offence and that he has been falsely implicated by the de facto complainant. He further submitted that one Ranganathan, the then Inspector of Police, who was in charge of this case, demanded bribe to delete the petitioner's name from the prosecution and that since the petitioner was innocent, he did not concede to his demand. It is his further submission that the said Ranganathan has been arrested by the Vigilance and Anti-Corruption Police for receiving bribe from another person.

6 Per contra, the learned Additional Public Prosecutor refuted the contentions put forth by the learned counsel for the petitioner and submitted that a gang of four persons, including the petitioner herein, was involved in taking money from the de facto complainant on the promise of getting employment in the Railways and thereafter, cheated him.

7 Be that as it may, this Court cannot go into the disputed questions of fact in a petition under Section 482 Cr.P.C. However, this Court directs the Deputy Superintendent of Police concerned to monitor the investigation that is being conducted by the first respondent police in Cr.No.37 of 2016. If, during the course of investigation, it is found that the petitioner is innocent, it is needless to state that further action against him should be dropped.

With the above direction, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Inspector of Police(Crime Branch)
Office of the District Superintendent of Police,
Thiruvallur District Thiruvallur.
- 2 The Public Prosecutor
High Court of Madras, Chennai 600 104
- 3 The Deputy Superintendent of Police
District Crime Branch, Tiruvallur District.
- + 1 cc to Mr. Lal Bagadur, Advocate SR.68898

Cr1.O.P. No.23640 of 2018

RSI (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
EU(17/10/2018)