

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25548 of 2018
and
CRL.M.P.No.14566 of 2018

C.Martin Premraj ... Petitioner/A3

Vs.

1.State rep. by
The Inspector of Police,
Thermal Police Station, Neyveli,
Cuddalore District. ...R1/Complainant

2.Mohandoss ...R2/Defacto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to Crime NO.56 of 2017 on the file of the 1st respondent Police and quash the FIR in respect of petitioner/A3.

For Petitioner : Dr.R.Sampathkumar
For 1st Respondent : Mrs.M.Prabhavathi, APP

O R D E R

On the complaint lodged by Mohandoss, the respondent Police have registered a case in Crime No.56 of 2017 on 09.03.2017 under Section 417 and 406 IPC against Devasagayam (A1), Ruthhepciya Santhoshiyam (A2) and Martin Piremraj (A3), for quashing which, A3 is before this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.Today, Mr.N.Anbalagan, Sub-Inspector of Police, District Crime Branch, Cuddalore is present before this Court.

4.It is the case of the de facto complainant that Devasagayam and Ruthhepciya collected a total sum of Rs.91,00,000/- from the de facto complainant and his friends, promising to transfer a certain land to them. After having collected the amounts, A1 and A2 did not keep up the promise nor return the amounts. Hence, the complaint and the FIR.

5.However, on a reading of the FIR, it is stated that A1 and A2 have executed a promissory note and other documents in

favour of the de facto complainant and his friends, in which, A3 has signed as witness.

6.Dr.Sampath Kumar, learned counsel appearing for A3 submitted that A3 is working as Inspector of Police in Vellore District and Ruthhepciya (A2) is his own sister and that, when she was sick, he had gone to her house to call on her and at that time, the de facto complaint and his friends created trouble and during the compromise talks, the promissory note was executed and A3 had merely signed as a witness. He had nothing to do with the alleged transactions between the de facto complainant and A1 & A2.

7.There appears to be some force in the submission of Dr.Sampath Kumar. But however, the FIR cannot be quashed at the threshold on these disputed questions of fact. He also submitted that a suit in O.S.No.68 of 2017 has been filed by the de facto complainant on the promissory note and decree has also been obtained.

8.The learned Additional Public Prosecutor submitted that the investigation has been conducted by the Inspector of Police, District Crime Branch, Cuddalore. Since A3 is a Inspector of Police himself, interest of Justice will be served, if the investigation in Crime No.56 of 2017 is conducted by the Deputy Superintendent of Police, DCB, Cuddalore. Accordingly, this Court directs the Deputy Superintendent of Police, Cuddalore District to conduct the investigation in Crime No.56 of 2017 and if during investigation, it is found that the entire transaction is a civil transaction, it is needless to state that the FIR in the case should be closed.

With the above direction, this petition is closed. Consequently, connected Miscellaneous petition is closed.
dua/gya

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

To

- 1.The Deputy Superintendent of Police,
District Crime Branch, Cuddalore.
- 2.The Inspector of Police,
District Crime Branch, Cuddalore.
3. The Inspector of Police,
Thermal Police Station, Neyveli,
Cuddalore District.

4.The Public Prosecutor, High Court, Madras.

+ 1 cc to Dr.R.Sampathkumar, Advocate Sr 75548

KR/19/11/18

CRL.OP.No.25548 of 2018



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