



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.(MD).No.6518 of 2015
and
M.P(MD).No. 1 of 2015

V.Ramasamy Bharathi @Bharathi ...Petitioner/Accused No.2

Vs

1. State represented by
The Inspector of Police
Alwarkurichi Police Station
Ambasamudram Taluk
Tirunelveli District
2. The Sub Inspector of Police (Special)
Alwarkurichi Police Station
Ambasamudram Taluk
Tirunelveli District ...Respondents/Complainants
3. T.K.Sathyaseelan ..Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.60 of 2015 on the file of the 1st and 2nd respondents and quash the same in so far as the petitioner is concerned.

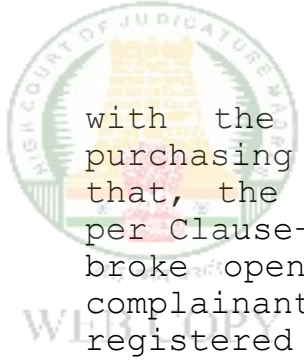
For Petitioner : Mr.N.Shanmugaselvam

For R1&R2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.Side)

ORDER

This criminal original petition has been filed to call for the records in Crime No.60 of 2015 on the file of the 1st and 2nd respondents and quash the same insofar as the petitioner is concerned

2.The learned counsel appearing for the petitioner would submit that there is no offence has been made out as against the petitioner, since the petitioner is a Manager of the Paras Kavar Prakashchand Bohra and he has entered for hire purchase agreement



with the third respondent for purchasing the vehicle. After purchasing the same, the third respondent defaulted his dues. Due to that, the petitioner along with one Financier took the vehicle as per Clause-14 of the Hire Purchase Agreement. As per agreement, they broke open the lock and seized the vehicle. Hence, the defacto complainant lodged a complaint, the second respondent has registered a case in Crime No.60 of 2015 for the offences under Sections 147, 447, 427 and 379 I.P.C. Therefore, the entire complaint stand only to escape from the liability of payment of loan amount. He would further submit that the petitioner is none other than the Manager of the said finance company and he has not directly entered into the Hire Purchase Agreement with the third respondent. Without adding the financier as a party, he lodged a complaint as against the petitioner alone. Therefore, he prays to quash the criminal proceedings.

3.The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed and because of the pendency of this Criminal Original Petition, they are not able to file the final report.

4.Heard the learned counsel appearing on either side.

5.It is seen from the F.I.R that there are specific allegations as against the petitioner. On 07.03.2015, the petitioner and another trespassed into the College Campus, broke open the lock and taken away the bus. Therefore, it has to be gone into in a full fledged investigation. At this stage, the F.I.R cannot be quashed on its threshold. Further, considering the submissions made by the learned Government Advocate (Crl.Side), the respondent police is directed to file the final report within a period of four weeks from the date of receipt of a copy of this order.

6.Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Inspector of Police
Alwarkurichi Police Station
Ambasamudram Taluk
Tirunelveli District

2.The Sub Inspector of Police (Special)

<https://hcservices.tn.gov.in/hcservices/>
Alwarkurichi Police Station
Ambasamudram Taluk
Tirunelveli District



3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

msa

SS/SKN/SAR 1/28.11.2018/3P/4C

CrI.O.P. (MD) .No.6518 of 2015
and
M.P (MD) .No. 1 of 2015
12.10.2018