



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
Crl.O.P.(MD) No.11591 of 2018
and
Crl.M.P.(MD)No.5261 of 2018

1.Vaigaipandi
2.Marakadai B.Pandi
3.Subburam

... Petitioner

Vs.

1.State represented by
The Sub Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.

2.Tamilarasan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the impugned First Information Report registered in Crime No.59 of 2018, dated 03.03.2018 on the file of the first respondent, quash the same as against these petitioners.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.Prabhu Ramachandran,
Government Advocate (Crl.side)

ORDER

The petitioners have filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, to quash the proceedings in Crime No.59 of 2018, on the file of the first respondent Police.

2.The learned counsel for the petitioners submitted that there is no base to register a case against the petitioners, based on the complaint of the second respondent. The petitioner is running a finance company. One Ilanchezhian is a defaulter. The transaction is between the one Ilanchezhian and the second respondent. Therefore, no offence has been made out against the petitioner. Hence, to challenge the impugned First Information Report, this Criminal Original Petition is filed before this Court.

3.The learned Government Advocate (Criminal side) submitted that the case has been registered and the same is pending for investigation. At this stage of investigation, challenging the First Information Report cannot be entertained.



4. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent and perused the materials placed on record.

5. After hearing both side and perusing the materials placed on record, it is seen that the proceedings in Crime No.59 of 2018, on the file of the first respondent - Police, are at the stage of investigation. In *State of Haryana and Others vs. Bhajan Lal*, reported in [1992 Supp (1) SCC 335], the Honourable Supreme Court has laid down certain parameters for quashing an F.I.R. Following the same, in *the State of Andhra Pradesh vs. Vangaveeti Nagaiah*, reported in AIR 2009 SC 2646, the Honourable Supreme Court has held that while exercising powers under Section 482 Cr.P.C., the Court should not function as a court of appeal or revision. Inherent jurisdiction under Section 482 Cr.P.C., though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the Section itself. The facts of the present case do not pass muster the law laid down in the above cited Judgments. In such view of the matter, this Court is of the view that this is not a fit case, wherein the F.I.R., can be quashed.

6. In the result, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar(CS-III)

To

1.The Sub Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.

2.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.GOKUL, Advocate, SR.No. 72991

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12.07.2018

PNN

KK/RP/SAR-3/30.07.2018/2P-4C/