



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.04.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. OP (MD)No.20990 of 2013

and

MP(MD)No.1 of 2013 and MP(MD)No.1 of 2014

S.Pitchairaj

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Gandarvakottai Police Station,
Pudukkottai District.
(Crime No.225 of 2010)

2. Evelyn de Rothschild,
Nationality of United Kingdom,
Represented through his Advocate,
Balaji, C/248 East end Apartments
Mayor Vikar, Phase 1 Ext,
New Delhi.

... Respondents

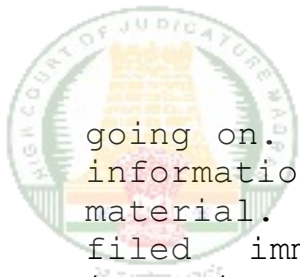
Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records in Crime No.225 of 2010 on the file of the first respondent and quash the same.

For Petitioner	: Mr.V.R.Balasubramanian
For Respondents	: A.Robinson, Govt., Advocate (Crl.Side)

ORDER

The petitioner has filed this petition for quashing the FIR in Crime No.225 of 2010 on the file of the first respondent police station. The F.I.R was registered as early as on 05.09.2010. This Criminal Original Petition came to be filed only in November 2013. Thus, there is a gap of three years between the registration of F.I.R and filing of this petition.

2.The petitioner is running a orphanage in the name and style of 'Lady Lynn Joyful Home'. Some 50 children were residing in the home and taken care. The second respondent herein who is a British national was one of the donors. He sent an E-mail complaint through one advocate stating that misappropriation was



going on. The F.I.R contains the averment that they got credible information from a whistle blower. Except this there is no other material. As already pointed out that this quash petition was not filed immediately to frustrate the investigation at the investigation stage. On the other hand, it was filed after a gap of three years.

3.The learned Government Advocate (Cr1.Side) submitted that there is no material connecting the petitioner with any misappropriation.

4.It is further submitted by the learned counsel for the petitioner that the orphanage is spread over in a land around 9 acres. Pakka buildings are there. As many as 50 children were taken care. It is further submitted that the District Collector, following the registration of the impugned F.I.R, sealed the premises. He would further submit that questioning the same he filed a separate writ petition.

5.Since the F.I.R is bereft of details and even the F.I.R averments do not constitute any offence against the petitioner, this Court is inclined to quash the impugned F.I.R in Crime No.225 of 2010. Accordingly, it stands quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The State represented by
The Inspector of Police,
Gandarvakottai Police Station,
Pudukkottai District.
(Crime No.225 of 2010)
2. The Additional Public Prosecutor,
Madurai Bench of Madras high Court,
Madurai.

+1cc to M/s.V.R.Balasubramanian Advocate in SR. No.63182

skm

JM/JC/SAR 3/18.05.2018/2P/4C

Cr1. OP (MD)No.20990 of 2013

and

MP(MD)No.1 of 2013 and

MP(MD)No.1 of 2014

19.04.2018