

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8808 of 2019
and Crl.M.P.No.4657 of 2019

B.Anbumani

... Petitioner

Vs

1. State by

The Inspector of Police,
R-3, Ashok Nagar Police Station,
T.Nagar, Chennai-600 083
(Crime No: 658 of 2018)

2. Rajarani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in Crime No.658, of 2018 now pending investigation on the file of the first respondent police and quash the same sofar as it relates to the petitioner herein.

For Petitioners : Mr.R.Ganesh Kumar

For RR1 : Mr.M.Mohamed Riaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.658 of 2018 for the offence under Sections 420, 294(b) and 506(i) IPC on the file of the first respondent police.

2. The learned counsel for the petitioner would submit that there is a dispute between the second respondent's husband and a political leader with respect to the ownership of a property, in pursuance to the said dispute, a civil case has been filed and now the same was pending before the Hon'ble Supreme Court. Thereafter, the second respondent's husband along with her car driver have approached the second accused, who is an advocate to contest the civil case. Admittedly, the petitioner/first accused engaged the second accused to contest the case. However, the second respondent's husband paid some amount by way of cheque to the second accused/Advocate. But the accused person, did not

take any steps to contest the case. Hence, the second respondent lodged a complaint before the first respondent police. The first respondent police received the complaint and issued C.S.R.No.1148 of 2017. In the meantime, the petitioner gave Rs.2,00,000/- as cash to the 2nd respondent /Defacto complainant through one Vinoth kumar and also issued two cheques for an amount of Rs.10,00,000/-. The above said cheques are returned for the reason that ''funds insufficient''. Hence, the 2nd respondent/Defacto complainant has registered a complaint for deceiving her. The case was registered in Crime No.658 of 2018.

3. According to the petitioner, the 2nd respondent insisted to register a private complaint before the concerned Judicial Magistrate, as chosen to file a criminal complaint against the petitioner. Hence, he seeks to quash the FIR.

4. Mr. R. Ganesh kumar learned counsel for the petitioner appearing for the petitioner and Mr. M. Mohamed Riyaz learned Additional Public Prosecutor appearing for the first respondent.

5. It is seen from the First Information Report that there is a specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating agency has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. In view of the above discussion, this Court is not inclined to quash the FIR. However, considering the crime is of the year of the FIR as 2019. The first respondent is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this Order. However the petitioner is at liberty to submit all the documents before the investigation officer and investigate officer is directed to consider the same.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mpa/vsn

To

1. The Inspector of Police,
R-3, Ashok Nagar Police Station,
T.Nagar, Chennai-600 083

2. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.R.Ganesh Kumar, Advocate, S.R.No.34626

CRL.O.P.No.8808 of 2019
and CrI.M.P.No.4657 of 2019

SSV(CO)
SSM(09/05/2019).



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