



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

Crl.O.P.(MD)Nos.2203 of 2019 and 17388 of 2018

and

Crl.M.P.(MD)No.7686 of 2018

P.Murugesan ... Petitioner in Crl.O.P.(MD)No.2203 of 2019

M.Guna Arul Raj ...Petitioner in Crl.O.P.(MD)No.17388 of 2018

Vs

State rep. By
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District. ...1st Respondent in both petitions

2. P.Murugesan ...2nd Respondent in Crl.O.P.(MD)No.
17388 of 2018

PRAYER IN Crl.O.P.(MD)No.2203 of 2019 : This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to file a final report in Cr.No.164 of 2018 on the file of the respondent within the stipulated time as fixed by this Court.

PRAYER IN Crl.O.P.(MD)No.17388 of 2018: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Cr.No.164/2018 dated 15.08.2018 on the file of the first respondent and quash the same against the petitioner as illegal.

For Petitioner : Mr.S.Moorthy
For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor
(in both petitions)



For Petitioner
For R2

: Mr.V.Arul
: Mr.S.Moorthy
(in CrI.O.P.(MD)No.
17388 of 2018)

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COMMON ORDER

CrI.O.P.No.17388 of 2018 was filed by A1 to quash the FIR in Crime No.164 of 2018 registered on account of offence under Section 420 IPC. CrI.O.P.No.2203 of 2019 was filed by the defacto complainant in the aforesaid case for issuing a direction to the Investigating Agency to complete the investigation and file a charge sheet.

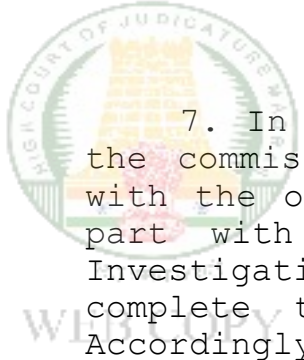
2. The learned counsel for the petitioner submitted that the FIR in this case does not disclose the whole truth and suppressed the notice exchanged between the parties before the date of registration of FIR i.e., on 15.08.2018.

3. On perusal of the FIR, it would disclose that the defacto complainant had agreed to purchase a vehicle bearing Registration No.TN 74 Y 4749 (TATA Maxi Cap) for Rs.4,60,000/-. Though he had paid the entire sale consideration, the accused persons neither delivered the Maxi Cab nor the sale consideration paid by the defacto complainant.

4. The learned counsel for the petitioner would go to take this Court to the notice dated 06.08.2018 issued on behalf of the first accused, which is to the effect that pursuant to the sale agreement to purchase the aforesaid vehicle of the accused, the said vehicle was delivered to the complainant on 23.10.2017. Subsequently, the complainant himself had handed over the vehicle to A1 to run it as a taxi, during which period the complainant had required the first accused to mobilise a loan of Rs.3,00,000/- with the vehicle and accordingly the first accused had organised the loan for Rs.3,00,000/- to the complainant and thereafter the defacto complainant demanded the vehicle without showing any intention to repay the loan amount. This notice was replied by the defacto complainant on 10.08.2018, wherein, it was admitted that on 23.10.2017 the aforesaid vehicle was delivered to the complainant. This according to him indicates that the first part of the allegations in the FIR is false and there are further allegations pertaining to the loan. But it was done at the instance of the defacto complainant.

5. Admittedly, if the FIR is read in isolation it discloses the commission of an offence. But there are notices which may have a bearing in ascertaining the veracity of the allegations made.

6.The learned counsel for the official respondent submits that the investigation is underway.



7. In these circumstances, since the FIR prima facie discloses the commission of offence, this Court does not want to interfere with the ongoing investigation, but, merely directs the accused to part with such necessary documents in his possession to the Investigating Agency to facilitate the Investigating Agency to complete the investigation fairly and file its final report. Accordingly, CrI.O.P.No.17388 of 2018 is disposed of. So far as CrI.O.P.No.2203 of 2019 is concerned, the same is allowed and the Investigating Agency is directed to complete the investigation within a period of four months to file its final report. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

dss/ta

To

1. The Inspector of Police,
Kaliyakkavilai,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. V. ARUL, ADVOCATE SR 50392

KK

24/04/2019

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CrI.O.P. (MD) Nos.2203 of 2019 and 17388 of 2018
and CrI.M.P. (MD) No.7686 of 2018
27.02.2019