



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P. (MD) No.3652 of 2019
and Crl.M.P (MD) No.2127 of 2019

Pandi ... Petitioner/ Accused No.1

Vs.

1.The State rep. by
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(Crime No.85 of 2019) ...1st Respondent / Complainant

2.Balasubramaniam ...2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records in Crime No.85 of 2019 pending investigation on the file of the first respondent police and quash the same as against the petitioner concerned.

For Petitioner : Mr.S.Muniyandi
For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

O R D E R

The Criminal Original Petition has been filed to call for records in Crime No.85 of 2019 pending investigation on the file of the first respondent police and quash the same as against the petitioner concerned.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the first respondent.

3.The petitioner herein is arrayed as the first accused in Crime No.85 of 2019 registered for the offences under Sections 406, 420 and 381 IPC. The First Information Report was registered at the instance of the complaint preferred by the Account Manager of a certain Premium Enterprises, a registered company. The allegation made was that both the locker room and the residence of the Managing Director of the said Company were broken and certain documents have been stolen which includes cheque book containing blank 100 cheque slips.



4. The learned counsel for the petitioner would submit that the nature of allegations made in the First Information Report does not satisfy the requirement of Sections 406 and 420 IPC.

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5. On carefully going through the petition, this Court does not find any material whatsoever to hold that the petitioner would not have involved in the said occurrence.

6. It is true to that extent no allegation is made in the First Information Report and that either the accused persons were entrusted with anything or the accused persons have made any false representation with the intend to cheat anybody. However, the offence is pending investigation and the petitioner may have to wait till the final report is laid in the case.

7. Accordingly, this petition is dismissed. The petitioner is at liberty to challenge the final report as and when the same is filed as per law. Consequently, connected CrI.M.P.(MD)No.2127 of 2019 is also dismissed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar(CS)

CM

To

- 1.The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.3652 of 2019
and
CrI.M.P (MD)No.2127 of 2019

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