



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P. (MD) No.5116 of 2019

and

CRL.M.P. (MD) No.3205 of 2019

Senkathir Selvan

... Petitioner / Sole Accused

Vs.

1.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
(Crime No.212 of 2018)

... 1st Respondent / Complainant

2.K.Krishnamoorthy

... 2nd Respondent / Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the FIR in Crime No.212 of 2018 on the file of the first respondent police and quash the same as illegal.

For Petitioner	: M/s.Dr.K.Malathi
For R1	: Mr.A.P.G.Ohm Chairma Prabhu, Government Advocate (Crl.Side).

ORDER

This petition has been filed to quash the FIR in Crime No.212 of 2018 on the file of the first respondent police.

2.The case of the petitioner is that the second respondent is the wholesale dealer of fertilizer and pesticides, in which the petitioner has purchased the fertilizer for a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand Only) from the second respondent. However, the said amount was not repaid and the same was demanded by the second respondent through phone, in which the petitioner abused and threatened the second respondent. For which, the second respondent has filed this complaint before the respondent police.



3.The learned counsel for the petitioner would submit that invoices produced in respect of purchase is not tallied and by way of forged documents, this false complaint has been lodged before the respondent police.

4.The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that investigation is pending.

5.Considering the facts and circumstances of the case, this Court is not inclined to interfere with the First Information Report at this stage. Since, the FIR discloses the commission of offence, the same cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in the case of **State of Haryana Vs. Bhajan Lal [(1992) [1] SCC 335]**.

6.At this juncture, the learned counsel for the petitioner submits that a direction may be issued to the respondent police to complete the investigation and file the final report within a stipulated time.

7.Considering the request made by the petitioner, this Court is inclined to issue a direction to the Law Enforcing Agency. Accordingly, the Law Enforcing Agency is directed to expedite the investigation and complete the same within a period of two months from the date of receipt of a copy of this order.

8.Accordingly, this criminal original petition is dismissed with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.

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

+1 CC to M/s.Dr.K.MALATHI, Advocate (SR-59675[F] dated 08/04/2019)

Myr

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