



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.O.P. (MD)Nos.19749 of 2015 and 23937 of 2016

and M.P. (MD)No.1 of 2015 and Crl O.P(MD)No.19749 of 2015 and

Crl.M.P. (MD) .No.12674 of 2016

1.Mani @ Gopal
2.Sekar
3.Selvam
4.Kumar
5.Paramasivam
6.Prabu
7.Ravi

.. Petitioners in Crl.O.P. (MD) .No.19749 of 2015

1.Suresh
2.Suresh Kumar

.. Petitioners in Crl.O.P. (MD) .No.23937 of 2016

Vs.

1.The Inspector of Police,
Thottiam Police Station,
Musiri Sub-Division, Tiruchirappalli District.
(in Crime No.261 of 2013)

2.S.Parameswari .. Respondents in both petitions

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.261 of 2013 on the file of the first respondent and quash the same.

For Petitioners : Mr.T.M.Madasamy

For Respondents : Mr.R.Anantharaj for R1
Additional Public Prosecutor

No Appearance for R2
(In both petitions)

COMMON ORDER

These criminal original petitions are filed by the petitioners to quash the First Information Report pending against them in Crime No.261 of 2013 on the file of the Inspector of police, Thottiam

<https://hservices.courts.gov.in/hservices/>



Police Station, Trichy District.

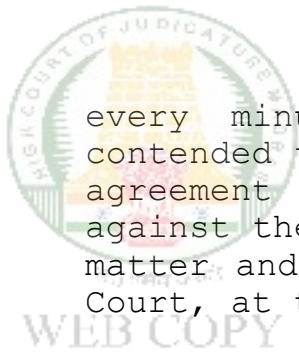
2. The case in Crime No.261 of 2013 was registered on 13.08.2013, for the offence under Section 365 IPC, at the instance of the second respondent. The case of the complainant is that there exists an agreement between her husband, namely, Senthilkumar and the first accused, namely, Suresh, in and by which, the said Suresh agreed to purchase a property to an extent of 1.87 acres in S.No.348/1B, Tholurpatti Village, Tiruchirappalli District. There was a dispute with regard to the said purchase and the said Suresh delayed the purchase. While so, on 12.08.2013, at about 02.30 pm, when the complainant and her husband was in the office of her husband, the accused persons came and abducted her husband. Apprehending danger, the complainant has lodged the complaint, based on which, the case in Crime No.261 of 2013 came to be registered, as against the accused persons. In order to quash the same, the petitioners have filed these Criminal Original Petitions.

3. The learned Counsel for the petitioners submitted that though the wife of Senthilkumar / complainant has stated that her husband was abducted on 12.08.2013, at about 02.30 pm, she has not lodged any complaint immediately and only after 20 hours from the alleged abduction, she has lodged the present complaint. Though she has stated that she accompanied her husband at the time of the alleged abduction, she has not given any particulars as to the eyewitness or the vehicle type or name involved in the abduction. In fact, on 13.08.2013, Senthilkumar assaulted the 8th accused / Prabu, for which, a complaint was lodged before the Erumapatty Police Station, Namakkal District in petition No.232 of 2013. While so, a false complaint has been lodged on the same day, as if, the petitioners have abducted the said Senthilkumar. In order to get over the agreement dated 08.01.2011, the complainant has come up with this false complaint and therefore, he prayed for allowing the present petitions.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that this is a case of abduction and the investigation is at the crucial stage. Only after completing the investigation, the truth will come out and therefore, he prays for dismissal.

5. Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent. There is no representation for the second respondent.

6. It is the contention of the learned Counsel for the petitioners that though the complainant is said to have accompanied her husband, while the alleged abduction took place, she has not given any details about the vehicle involved or the eye witnesses in the complaint. It is a settled position of law that a complaint or a



every minute details have to be recorded. They have further contended that only to get over the civil dispute arising out of the agreement dated 08.01.2011, the present case has been foisted against them. It is for the investigation agency to enquire into the matter and find out the veracity of the complaint. Therefore, this Court, at this juncture, is not inclined to dwell into the same.

7. In such view of the matter, these Criminal Original Petitions are dismissed. The first respondent Police is directed to conduct the investigation in a free and fair manner, taking into consideration all the grounds that are raised by the petitioners in this petition and conclude the investigation, as expeditiously as possible, in any event not later than three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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/ /2020

Sub Assistant Registrar(CS)

TM/gk

To

1.The Inspector of Police, Thottiam Police Station,
Musiri Sub-Division, Tiruchirappalli District.

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

+1CC TO Mr.T.M.MADASAMY, ADVOCATE, SR NO.61498

+1 CC to M/s.JANA @ B.JANATH AHMED, Advocate (SR-61552[F] dated 22/04/2019)

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and 23937 of 2016
22.04.2019**

KK/SAR/30.01.2020/3P-5C/