



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P. (MD) .Nos.14788 & 14789 of 2018

and

CRL.M.P. (MD) .No.6560 & 6561 of 2018

B.Elanchezhiyan

...Petitioner / Ist Accused in
CrI.O.P. (MD) .No.14788 of 2018

1.R.Ravi

2.R.Ganesh @ Vicky

...Petitioners / Accused Nos.2 & 3 in
CrI.O.P. (MD) .No.14789 of 2018

Vs.

1. State Represented by

The Inspector of Police,

Pattiveeranpatti Police Station,

Nilakkottai Taluk, Dindigul District.

...Ist Respondent / Complainant
(In both Petitions)

2.Palanisamy

...2nd Respondent/ *De facto* complainant
(In both Petitions)

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records in Crime No.330 of 2017, on the file of the first respondent Police and quash the same.

For Petitioners :Mr.C.Vakeeswaran
(Both CrI OP)

For Respondents :Mr.M.Chandra Sekaran
Additional Public Prosecutor
R1(In Both Petitions)

COMMON ORDER

CrI.O.P. (MD) .No.14788 of 2018, has been filed by the owner of the vehicle and CrI.O.P. (MD) .No.14789 of 2018, has been filed by the drivers of the vehicle. These Criminal Original Petitions have been filed to quash the First Information Report pending in Crime No.330 of 2017, on the file of the first respondent.

2. The learned counsel appearing for the petitioners would submit that one B.Elanchezhiyan, purchased a car from one Tamizharasan. The *de facto* complainant was a broker and the RC Book was handed over by Tamizharasan to the *de facto* complainant. The *de facto* complainant never handed over the RC Book to the



petitioner in CrI.O.P.(MD).No.14788 of 2018. Subsequently, on 03.12.2017 the car was taken away by one Marakadai Pandi. Therefore, a complaint was given on 05.12.2017 before the respondent Police and the first respondent Police had issued C.S.R.No.394 of 2017.

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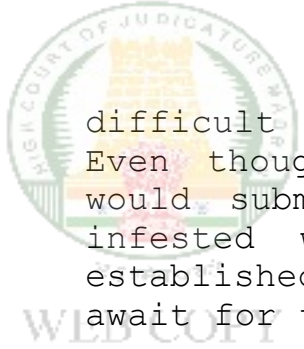
3. The learned counsel appearing for the petitioners would submit that in order to get over this complaint, the *de facto* complainant with a *mala fide* intention, has preferred a complaint and the same has been registered in Crime No.330 of 2017, against the petitioners herein for the offences under Sections 147, 294 (b), 342, 363, 324, 506 (ii) I.P.C.

4. The learned counsel appearing for the petitioners would submit that Tamizharasan sold the car to the petitioner / B.Elanchezhiyan and also gave a complaint against the *de facto* complainant and three others before the respondent Police and the same was registered in Crime No.59 of 2018 for the offences under Sections 420, 379(NP) and 506 (i) I.P.C.

5. The learned counsel appearing for the petitioners by pointing out all the above complaints would submit that the entire complaint given by the *de facto* complainant is *mala fide* in nature and abuse of process of law, since the *de facto* complainant wants to get over the complaint that has been given against him both by the petitioners as well as by Tamizharasan.

6. The learned Additional Public prosecutor appearing for the first respondent would submit that the first respondent is in the process of investigation and there are no grounds to quash the First Information Report. The learned Additional Public Prosecutor would further submit that there are sufficient allegations in the First Information Report.

7. Therefore, this is not a stage to quash the First Information Report and this Court has to go by the allegations that have been made in the First Information Report. This Court has carefully considering the submissions made on either side. As on today, there are two crime numbers that have been registered by the respondent Police. One, based on the complaint given by the *de facto* complainant and the other given by Tamizharasan, who sold the car to the petitioner in CrI.O.P.(MD).No.14788 of 2018. The complaint that was given by the petitioners for which C.S.R.No.394 of 2017, was also given continues to be in the complaint stage and the respondent Police has not registered First Information Report. In the considered view of this Court, First Information Report has to be registered even on this complaint. The first respondent has to investigate all the three complaints and only then the truth will come out in this case. There are allegations and counter allegations made by the parties and at this stage, it will be



difficult for this Court to quash the First Information Report. Even though the learned counsel appearing for the petitioners would submit that the complaint in Crime No.330 of 2017, is infested with *mala fides*, since the *mala fides* has to be established only based on facts, the parties have to necessarily await for the final report after investigation.

8. In the interest of justice, this Court disposes of these Criminal Original petitions by giving the following directions:-

"(i).The first respondent is directed to register First Information Report based on the complaint dated 05.12.2017, which is pending in C.S.R.No.394 of 2017.

(ii).The first respondent is directed to investigate crime No.330 of 2017 and Crime No.59 of 2018 and also the First Information Report that is going to be registered based on the complaint pending in C.S.R.No.394 of 2017 and file a final report within a period of three months from the date of receipt of copy of this order. "

Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Inspector of Police,
Pattiveeranpatti Police Station,
Nilakkottai Taluk, Dindigul District.

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

+2cc to Mr.C.Vakeeswaran, Advocate Sr.No.80072,80070

TSG

VB/SV/SAR2/12.09.2018/3P/5C

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