



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD)No.11785 of 2019

and

Crl.M.P. (MD)No.7411 of 2019

WEB COPY

Lakshmanan

: Petitioner/Accused No.1

Vs.

1.The State through,
The Inspector of Police,
District Crime Branch,
Karur District.

: Respondent No.1/De-Jure Complainant

2.Sathiyathan

: Respondent No2/De-Facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records connected with the FIR in Crime No.9 of 2019 on the file of the respondent No.1 and quash the same as illegal as against the petitioner.

For Petitioner : Mr.R.Alagumani

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking to quash the FIR in Crime No.9 of 2019.

2. The petitioner is A1 in Crime No.9 of 2019 registered for the offence punishable under Sections 406, 420 and 506(1) IPC. The case of the defacto complainant is that, the petitioner was working as Sanitary Worker in Musiri Town Panchayat. The petitioner on the assurance that he will get a Government Job to the son of the defacto complainant has received a sum of Rs.3,75,000/- from the defacto complainant and cheated him. As the petitioner could not get a job to the son of the defacto complainant, the defacto complainant demanded to repay the amount. But he did not repay the said amount within the time. Subsequently, petitioner absconded and switched off his cell phone. Thereafter, the defacto complainant found out the petitioner and asked him to repay the money. At that time, the petitioner threatened him with dire consequences and criminally intimidated him. Hence, he filed a petition before this Court in W.P.(MD)No.2651 of 2017, which was closed recording the statement given by the petitioner that he will given repay the amount within a period of three months. Even thereafter, the petitioner did not repay the amount. Hence, the petitioner approached the learned Judicial Magistrate No.I, Karur under Section 156 (3), Cr.P.C. and based on the direction given by the learned



Judicial Magistrate, the present FIR has been registered. To quash the said complaint, the present petition has been filed.

3. The learned counsel for the petitioner would contend that the petitioner has only borrowed a sum of Rs.1,50,000/-, for which he has given a cheque. Now another criminal case under Section 138 of Negotiable Instruments Act is pending and the petitioner has been falsely implicated in this case.

4. Per contra, the learned Government Advocate (CrI.Side) would submit that after registration of FIR, the respondent police conducted investigation. The investigation clearly reveals that the petitioner only cheated the defacto complainant.

5. I have heard the rival submissions made on either side and also perused the records carefully.

6. On perusal of the complaint, it could be seen that the petitioner said to have received money from the defacto complainant on the assurance that he will get a job. But he failed to get a job and also failed to repay the amount. Though the petitioner has appeared before the respondent police and also given an undertaking that he will repay the amount in three months, he did not do so. Thereafter, based on the order passed by the learned Judicial Magistrate, the present case has been registered and investigation on the same is pending. Perusal of the FIR clearly indicates that *prima facie* case against the petitioner. In the above circumstances, I find no reason to quash the First Information Report Crime No.9 of 2019 pending on the file of the first respondent. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Police, District Crime Branch,
Karur District.

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

CrI.O.P. (MD)No.11785 of 2019

CS(19.09.2019) 2P 3C