



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.(MD) No.7853 of 2014

and

M.P.(MD)No.1 of 2014

1.P.B.Ajit Babu

2.P.S.Biswajit Babu

3.Srilakshmi

4.C.R.Chandran : Petitioners/Accused Nos. 1 to 4

Versus

1.The State rep. by,
The Inspector of Police,
District Crime Branch,
Madurai.

Crime No.23/2014. : Respondent No.1/Complainant

2.Jayadeep Srinivasan : Respondent No.2/ Defacto Complainant

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to Crime No.23/2014 on the file of the Inspector of Police, District Crime Branch, Madurai and quash the same.

For Petitioners : Mr.F.Deepak

For Respondent No.1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Cr1.side)

For Respondent No.2 : Mr.M.Saravanan

ORDER

This petition has been filed to quash the First Information Report in Crime No.23 of 2014 on the file of the first respondent.

2. The petitioners are accused Nos.1 to 4 in the above said crime and the First Information Report has been registered against them for the offences punishable under Sections 468, 471, 420 r/w 34 and 506(i) of the Indian Penal Code.



3. The grievance of the petitioners is that, already, in respect of the same transaction, there is another complaint filed by one Karthikeyan against the petitioners herein in Crime No.18 of 2014 and the said complaint is pending investigation. The present complaint has been filed by one of the witnesses in Crime No.18 of 2014. It is nothing but a false complaint, in order to escape from the criminal liability in the earlier complaint.

4. The learned Government Advocate (Criminal side) appearing for the first respondent, on instructions, submitted that, now, in both complaints, investigation is over and because of the interim stay granted by this Court, the first respondent is not able to file a final report.

5. Considering the facts and circumstances of the case, whether the complaint is a false or not, cannot be decided, at this stage. A careful reading of the complaint is *prima facie* made a cognizable offence, warranting registration of First Information Report. That apart, taking into consideration the fact that already investigation is over and final report is ready, the prayer sought for by the petitioners cannot be granted at this stage. Hence, the Criminal Original Petition is dismissed. Consequently, the interim stay granted by this Court in M.P.(MD)No.1 of 2014 in Cr1.O.P.(MD) No.7853 of 2014, dated 30.04.2014, is hereby vacated. The first respondent is directed to file a final report, within a period of four weeks from the date of receipt of a copy of this order. After filing of the final report, if the petitioners have any grievance over the same, it is open to them to challenge the same in the manner known to law. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/ True Copy /

Sub Assistant Registrar (CS-)

To

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

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

+1 CC to M/s.F.DEEPAK, Advocate (SR-74126[F] dated 09/07/2019)

+1 CC to M/s.M.SARAVANAN, Advocate (SR-74199[F] dated 09/07/2019)

Cr1.O.P. (MD) No.7853 of 2014
08.07.2019