

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.24427 of 2015

and M.P.No.1 2015

C.Thangamuthu

... Petitioner/A7

Vs.

1. State rep.by
The Inspector of Police,
B2 R.S.Puram Police Station (Crime),
Coimbatore City,
Crime No.399 of 2013.

2. E.M.Parimala Respondents/Complainants

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR in Crime No.399 of 2013 on the file of the respondent police and quash the same.

For Petitioners:Mr.N.Manokaran

For Respondents:Mr.C.Iyyapparaj

Additional Public Prosecutor
for R1

Mr.W.Camyles Gandhi for R2

O R D E R

This petition has been filed to quash the F.I.R in Crime No.399 of 2013.

2.The learned counsel for the petitioner submitted that the petitioner is shown as A7 in this case. There is no iota of material against the petitioner and none of the ingredients of Section 406 and 420 IPC have been made out against the petitioner except there is passing reference about a claim made by A1 Gayathiri that the petitioner was owning some land in Tirupur and the said land is to be purchased by Vedanthri Maharishi Trust and it is value around Rs.70 crores. Apart from

that, there is no other overtact or anything attributed against the petitioner either in making representation or receiving any money from the persons who is said to have advanced loan on behalf of the 2nd respondent.

3.The learned counsel for the petitioner further submitted that in this case some of the persons who have lost money had filed a case under the Negotiable Instruments Act against A1 before the learned Judicial Magistrate No.II, Coimbatore in C.C.No.222 of 2012 and C.C.No.282 of 2015, in which the defacto complainant case is C.C.No.282 of 2015. From the complaint, it is seen that the persons who have given money to A1 have narrated in paragraph No.2 the sequence in which there is no reference to the petitioner.

4. The learned Additional Public Prosecutor appearing for the 1st respondent would submit that the petitioner is shown as A7 in this case and the investigation revealed that the petitioner had not received any money from the defacto complainant or others. There is no materials against the petitioner.

5.The learned counsel appering for the 2nd respondent submits that in the complaint the name of the petitioner was mentioned, based on the claim made by the prime accused A1 in this case. Thereafter, it had come to know that the act of A1 was independent and there is no complecity of this petitioner.

6.Considering the submissions and on perusal of the materials it seen that the petitioner except for a passing reference, which is a claim made by the prime accused in this case, there is no averments or materials against the petitioner. Further, based on the submissions made by the learned Additional Public Prosecutor as well as the 2nd respondent, this Court is inclined to quash the F.I.R in Crime No. 399 of 2013 on the file of the respondent police.

7. Accordingly, F.I.R is quashed as against the petitioner alone and the petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms

To

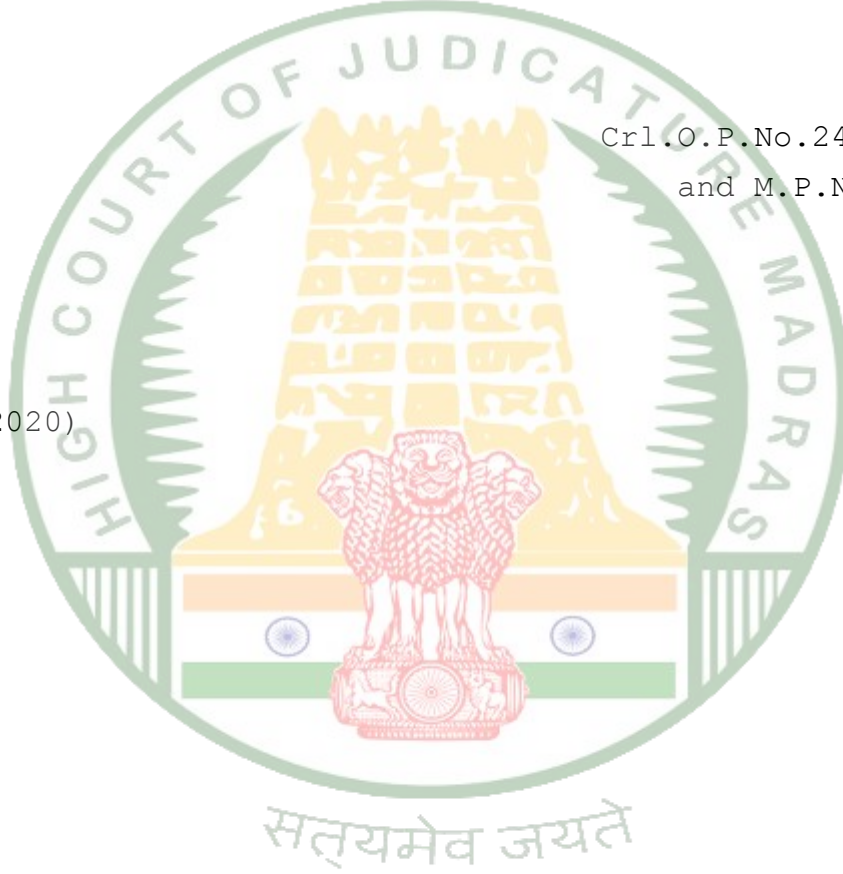
1. The Inspector of Police,
B2 R.S.Puram Police Station (Crime),
Coimbatore City.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.N.Manokaran, Advocate, Sr.No.24918

Crl.O.P.No.24427 of 2015
and M.P.No.1 of 2015

KJ (CO)
GS (12/08/2020)



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