

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

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THE HONOURABLE Mr.JUSTICE **P.N.PRAKASH**

Crl.OP.No.23291 of 2016
and Crl.MP.No.11316 of 2016

G.Sasidhar Reddy ... Petitioner / Accused No.1

Vs.

1.State, Represented by
The Inspector of Police
R-4, Soundarapandianar Angadi Police Station
Chennai City.
Crime No.2258 of 2015 ... Respondent / Complainant

2.G.Mohanakrishnan ... Respondent / Defacto complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and to quash the First Information Report in Crime No.2258 of 2015 on the file of the 1st respondent.

For Petitioner : Mr.R.John Sathyan

For Respondents : Mr.L.Charles Premkumar
Government Advocate {Crl Side} for R1
R2 – No appearance

ORDER

This case is taken up through video conferencing.

2. This Criminal Original Petition is filed to quash the FIR in Crime No.2258 of 2015 on the file of the respondent-police.

3. On a complain lodged by the second respondent, the first-respondent registered a case in Crime No.2258 of 2015 on 12.08.2015, for the offences under Sections 420 and 306 IPC, against the owner of Mahalakshmi Cultural Association Club, T.Nagar, Chennai, for quashing which, Sasidhar Reddy, the Secretary of the Club has filed the present petition.

4. This FIR has been registered based on the complaint given by the second respondent through email. In the complaint, the second respondent / defacto complainant has stated that his father Mr.Gundu Subramaniam was a government employee, whose monthly income was Rs.50,000/- and that he spent most of his salary in playing cards in Mahalakshmi Club; that he had lost more than Rs.60,000/- by playing cards in the said Club; he also took a loan for Rs.5 lakhs from M/s.Axis Bank, and

the said loan amount was spent in playing cards in Mahalakshmi Club and was lost. As he had lost heavily, he slipped into depression and committed suicide. Therefore, action should be taken against the Club.

3. Heard Mr.R.John Sathyan, learned counsel for the petitioner and Mr.L.Charles Premkumar, learned Government Advocate (Criminal Side) for the respondent police.

4. On 07.10.2020, this Court directed the police to produce the second respondent by video conferencing on 16.10.2020. The learned Government Advocate (Criminal Side) on instructions would submit that the whereabouts of the second respondent is not known to the police, despite their best efforts to trace him.

5. In the opinion of this Court, the complaint does not disclose the commission of any cognizable offence, inasmuch as Gundu Subramaniam was not a child to be lured by anyone to get addicted to playing cards. He on his own volition, had played cards, lost heavily, went into depression and committed suicide. That apart, the complaint does not disclose as to when, where and how Gundu Subramaniam committed suicide. In the complaint,

the complainant has also requested the police, not only to take action against Mahalakshmi Club, but also to take action against all the Clubs in the State.

5. In the absence of the complaint disclosing the commission of a cognizable offence, an FIR cannot be registered based on sweeping allegations. In the result, this petition is allowed and the entire FIR in Crime No.2258/2015 on the file of the respondent-police, is hereby quashed. Consequently, connected miscellaneous petition is closed.

16.10.2020

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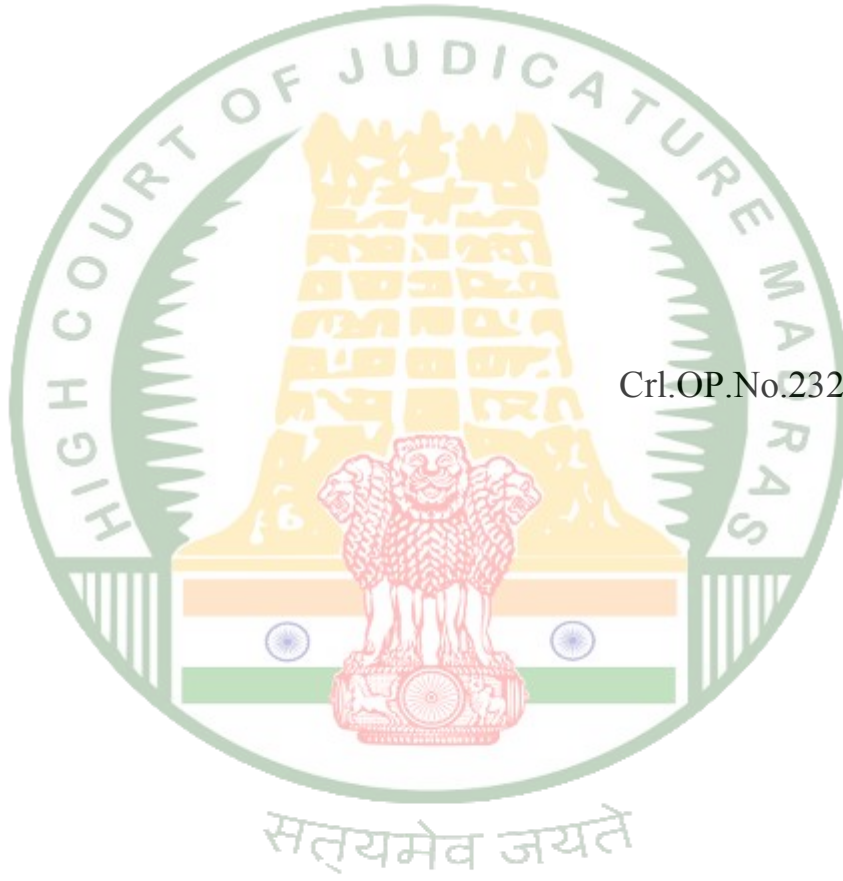
- 1.The Inspector of Police
R-4, Soundarapandianar Angadi Police Station,
Chennai City.
- 2.The Public Prosecutor,
High Court, Madras.

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P.N.PRAKASH, J.

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