

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.25971 of 2016  
and Crl.M.P.No.12847 of 2016

T.R.Pachaimuthu @ Parivendhar .. Petitioner/  
Accused

Vs.

1.State of Tamil Nadu represented by  
The Inspector of Police,  
E-3, Teynampet Police Station,  
Madras - 600 018. ..Respondent/Complainant

S.Mukanchand Bothra (deceased)  
2.Gagan Bothra ..Respondent/  
S/o.Late Mukanchand Bothra De-facto Complainant

(suo moto impleaded as the 2<sup>nd</sup> respondent vide order of this  
Court dated 12.10.2020)

Criminal Original Petition filed under Section 482 Cr.P.C.  
to call for the records and quash the complaint in Crime No.1082  
of 2016, pending on the file of E-3, Teynampet Police Station,  
Madras, the first respondent herein.

For Petitioners: Mr.R.Ganesh Kumar

For R1 : Mrs.P.Kritika Kamal  
Government Advocate (Crl.Side)

For R2 : Gagan Bothra  
Party-in-Person

O R D E R

This criminal original petition has been filed seeking to  
call for the records and quash the complaint in Crime No.1082 of  
2016, pending on the file of E-3, Teynampet Police Station,  
Madras, the first respondent herein.

2. On the complaint lodged by Mukanchand Bothra, the police registered a case in Crime No.1082 of 2016 on 29.08.2016 for the offence under Section 506(I) IPC against Pachaimuthu, for quashing which, Pachaimuthu has filed the present quash petition.

3. When the matter was taken up for hearing, it was brought to the notice of this Court that Mukanchand Bothra has passed away on 17.04.2019 and therefore, this Court suo moto impleaded his son Gagan Bothra as respondent.

4. Heard Mr.R.Ganesh Kumar, learned counsel for the petitioner, Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the first respondent/State and Gagan Bothra as Party-in-Person.

5. A reading of the FIR shows that Mukanchand Bothra had some financial dealings with one Madhan of Vendhar Movies; Pachaimuthu is said to have some financial interest in Vendhar Movies; one fine day, Madhan went missing and there were lot of rumours involving Pachaimuthu in that issue; Mukanchand Bothra went public and gave statements against Pachaimuthu; according to Mukanchand Bothra, on 23.08.2016 and 24.08.2016, around 7.00 p.m., two persons approached him and warned him not to pursue the case against Pachaimuthu and threatened him by saying that Pachaimuthu will not allow him to live peacefully; however, he (Mukanchand Bothra) did not take it seriously; but, on 25.08.2016, he went to the media and spoke about the threat by the two persons and thereafter, felt that a police complaint should be given seeking police protection.

6. This Court does not find any prima facie material in the complaint to implicate the petitioner herein, inasmuch as, even according to Mukanchand Bothra, two persons came to him and advised him not to pursue the case against Pachaimuthu and left. Mukanchand Bothra has not even stated that the two persons told him that they were sent by Pachaimuthu. That apart, he has not even given any particulars to fix the identity of the two persons, who are said to have threatened him. The FIR in this case was registered on 29.08.2016 and till stay was granted by this Court on 01.12.2016, the police were not able to identify who those two persons were.

7. In the opinion of this Court, this is a fit case, in which, FIR requires to be quashed and is ordered accordingly.

In the result, this criminal original petition is allowed and the FIR in Crime No.1082 of 2016, pending on the file of E-3, Teynampet Police Station, Madras, is quashed. Connected CrI.M.P. is closed.

s/d-  
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,  
E-3, Teynampet Police Station,  
Madras - 600 018.

2.The Additional Public Prosecutor,  
Madras High Court,  
Chennai - 600 104.

+1 CC to Mr.R.Ganesh Kumar, Advocate sr 33804.

CrI.O.P.No.25971 of 2016

RR(CO)  
SP(11/11/2020)