

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.4890 of 2017

CRL.M.P.No.3655 of 2017

Vinayaga Moorthi

... petitioner

Vs.

1.State of Tamil Nadu

rep.by its The Inspector of Police,  
District Crime Branch,  
Tiruvannamalai District,  
Crime No.1/2017.

2.Sankar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records comprised in FIR registered in Crime No.1 of 2017 pending on the file of the Inspector of Police District Crime Tiruvannamalai District and quash the same.

For petitioner : M/s.Vimal B.Crimson

For 1<sup>st</sup> Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

O R D E R

This petition has been filed to call for the entire records comprised in FIR registered in Crime No.1 of 2017 pending on the file of the Inspector of Police, District Crime Branch, Tiruvannamalai District and quash the same.

2. The learned counsel for the petitioner submitted that the petitioner is working as a Foreman in TANGEDCO and the petitioner and the defacto complainant are relatives. It is further submitted that he has no role with regard to the allegation stated in F.I.R. The agreement was an independent sale agreement between the defacto complainant and Al/Elumalai. Since the petitioner is working in TANGEDCO, he has been falsely implicated in this case. There is no document to show that the petitioner received the amount from the defacto complainant and the alleged sale agreement is said to have been taken place in the year 2014. After a lapse of three

years, the complaint has been lodged with an ulterior motive and there is no explanation for delay in lodging the complaint.

3. The learned Additional Public Prosecutor submitted that in this case, investigation is in progress and the petitioner/A2 and the defacto complainant are well known each other. A1 and A2 are working in the same place and they jointly received the money from the defacto complainant. The petitioner had introduced A1, as the owner of the property, to the defacto complainant, believing his words, the defacto complainant entered into a sale agreement and gave a sum of Rs.4,00,000/- as part amount. After a few days later, the petitioner and A1/Elumalai came to the defacto complainant's house and asked the remaining amount of Rs.2,00,000/-, as per the sale agreement. Therefore, the defacto complainant gave the remaining amount of Rs.2,00,000/- to the petitioner and A1. Thereafter, the petitioner and the accused No.1 has not executed the sale agreement and also not repaid the amount. Hence, the complaint was registered, several representations made by the defacto complainant to the petitioner and A1 and they have not returned the money. That is the reason for delay in lodging the complaint.

4. In view of the above, this Court is not inclined to consider this petition. Therefore, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar(CS )

//True Copy//

Sub Assistant Registrar

To

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

2.The Public Prosecutor,  
High Court, Madras.

+2 cc to M/s.M.Suresh, Advocate,sr.25122 & 25259

ssv(co)  
krd 24/8

CRL.O.P.No.4890 of 2017