

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.31478 of 2014
and M.P.No.1 of 2014

B.Prafulla Kumar Das

..Petitioner

Vs

1.State rep. by the Inspector of Police
D-2 Police Station
Anna Salai
Chennai-600 002

2.Mohideen Syed Abuthahir

..Respondents

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for the records to quash the FIR in Crime No.1072 of 2014 on the file of D-2 Police Station, Anna Salai, Chennai-2.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.R.Ravichandran,
Govt. Advocate[Criminal Side] for R1
R2- Notice not served.

ORDER

The first respondent Police registered a case against the petitioner based on the complaint given by the 2nd respondent in Crime No.1072 of 2014. During the investigation, the petitioner/accused has filed the present petition before this court seeking to quash the complaint.

2. The learned counsel for the petitioner would submit that even on the date of the loan transaction, the petitioner was not working in the said Bank, but later on only, he has been transferred from North India to the said Branch and joined there only in the year 2011. Further, the earlier complaint given by the 2nd respondent was closed and the same was reflected in the proceedings. The 2nd respondent also approached the DRT for his relief. Therefore, there is no allegation against this petitioner and there is no overt act and hence, the complaint registered in FIR in Crime No.1072 of 2014 has to be quashed. Further he would submit that the earlier complaint was closed and after three months, the present complaint is filed in Tamil version which itself is against law.

3. The learned Government Advocate (Criminal Side) would submit that there is no closure of complaint and now the investigation is in

preliminary stage. In view of the stay granted by this court, the investigation cannot be proceeded.

4. Heard both sides and perused the records.

5. Prima facie there is allegation in the complaint. Whether the petitioner was working at the time of transaction and whether he is involved in the case or not, are all matters can be revealed only after investigation. Therefore, FIR is is not an encyclopedia and this court cannot expect that FIR should reflect all issues. Therefore, it is the duty of the 1st respondent who received the complaint to investigate the matter and thereafter, file final report under Section 173 Cr.P.C. This court cannot testify all the defence taken by the learned counsel for the petitioner. Therefore, this court is not inclined to quash the FIR, invoking Section 482 of Cr.P.C. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

26.02.2020

nvsri

P.VELMURUGAN,J.

nvsri

To

1.The Inspector of Police
D-2 Police Station
Anna Salai
Chennai-600 002.

2.The Section Officer, Criminal Section, High Court, Madras



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