



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.12565 of 2020

and

Crl.M.P(MD)No.5711 of 2020

Selvakumar

... Petitioner/Accused No.I
vs.

1.State rep. by

The Inspector of Police
Alankulam Police Station,
Tenkasi District.

(Crime No.178 of 2020) ...1st Respondent/Complainant

2.Jeyanthakumar Chetty

...2nd Respondents/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to FIR in Crime No.178 of 2020 dated 18.04.2020 on the file of the Inspector of Police, Alankulam Police Station, Tenkasi District and quash the same as against the petitioner.

For Petitioner

: Mr.A.Sankararamasubramanian

For Respondent No.1

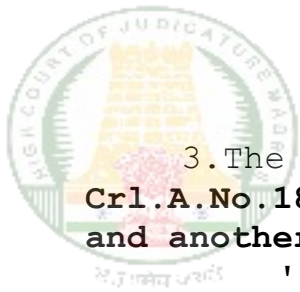
: Ms.S.E.Veronica Vincent

Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.178 of 2020 dated 18.04.2020 on the file of the Inspector of Police, Alankulam Police Station, Tenkasi District.

2.The defacto complainant is the Manager of ''501 Mangaloor Ganesh Beedi'' Company and on the date of occurrence, he caught the petitioner with falsified Beedies of their companies name and therefore a complaint was lodged by him. The Police has registered a case under Sections 482, 483, 486 and 420 IPC as against the two named accused persons, in which, the petitioner's name is arrayed as A2. The petitioner was handed over by the complainant to the Police along with the vehicle and the materials. The 1st respondent/Police has registered the FIR and on the face of it clearly shows that the offence has been made out.



3.The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

'9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.'

4.Here, in the present case, the allegations in the FIR had incorporated the ingredients necessary for prosecution for the offences alleged and the question whether the defacto complainant will prove the allegations in the manner known to law would arise only at a later stage and therefore, this Court is not inclined to interfere in the above proceedings. The petitioner is at liberty to raise all the grounds before the trial Court. The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

5.Hence, this Criminal original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

bala/rm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.



To

1. Judicial Magistrate, Alankulam

2. The Inspector of Police
Alankulam Police Station,
Tenkasi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P.[MD]No.12565 of 2020
DATED : 06.11.2020

ARK(CO)
TR(26.11.2020) 3P 4C