



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P.(MD)No.13149 of 2020

and

Crl.M.P.(MD)Nos.6001 & 6002 of 2020

WEB COPY

Safi Mohamed

... Petitioner / Accused No.6

Vs.

1.State rep. by

The Inspector of Police,

District Crime Branch,

Tirunelveli District.

(Crime No.41 of 2019)

...1st Respondent/Complainant

2.Rajiv

...2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.41 of 2019, dated 11.12.2019 on the file of the first respondent for offences under Sections 294(b), 406, 420 and 506(i) I.P.C and quash the same as illegal as against the petitioner.

For Petitioner : Mr.R.M.Suresh

For R-1 : Ms.S.E.Veronica Vincent

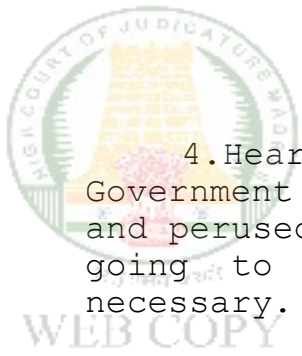
Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed praying to call for the records pertaining to the First Information Report in Crime No.41 of 2019, dated 11.12.2019 on the file of the first respondent for offences under Sections 294(b), 406, 420 and 506(i) I.P.C and quash the same as illegal as against the petitioner.

2. The learned counsel appearing for the petitioner reiterated the contentions set out in the original petition. As per the prosecution, the petitioner's company has received payment on various dates from A1 as Demand Drafts from the defacto complainant Rs.23,09,315/- and did not supply the materials, but, A3 and A4 received the Demand Drafts on behalf of A1 company from the defacto complainant. He further submitted that the petitioner is no way connected with the crime as alleged by the defacto complainant and the complaint has been lodged with ulterior motive in order to spoil the image and reputation of the petitioner in the society.

3. The learned Government Advocate would state that the allegations in the F.I.R are very specific and therefore, a fullfledged trial is required.



4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent and perused the materials available on record. In view of the order going to be passed, notice to the second respondent is not necessary.

5. 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.'

6. Here in the present case, the complainant had made specific allegations in the complaint filed against the petitioner and therefore, the grounds raised in this petition can not be gone into now. Considering the facts and circumstances of the case, this Court is not inclined to quash the First Information Report in Crime No.41 of 2019.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

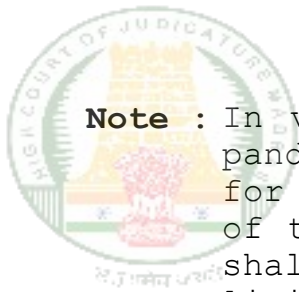
Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ls/msa



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.

WEB COPY

To

- 1.The Inspector of Police,
District Crime Branch,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.13149 of 2020

20.11.2020

SS (CO)

NR (07/01/2020) 3P : 3C