



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.20953 of 2015

WEB COPY

1. Seenivasan

2. Nandini

... Petitioners/Accused 1 and 2

Vs

1. State through

The Sub Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
Crime No.730 of 2015.

...1st Respondent/Complainant

2. A. Seethalakshmi

...2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records from the first respondent police in Cr.No.730 of 2015 and to quash the same as devoid of merits.

For Petitioners : Mr.A.Haja Mohideen

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 : Mr.Baburajendran

ORDER

The petitioners have filed this criminal original petition for quashing the FIR in Crime No.730 of 2015 registered on the file of the Aruppukkottai Town Police Station for the offences under Sections 406, 420 and 506(i) of IPC.

2. The petitioner's counsel would refer to the ratio laid down in T.T.Antony's case and called upon this Court to quash the subsequent FIR.

3. I am not persuaded by the said submission.

4. As rightly pointed out by the learned counsel appearing for the defacto complainant, the scope of Crime No.685 of 2013 was far wider.

5. The first petitioner and the second respondent have had a business relationship. The specific allegation of the defacto complainant in Crime No.685 of 2013 is that the first petitioner herein stole some 215 unused cheques. The defacto complainant would claim that when an enquiry was conducted, the petitioners denied possessing the said cheques and also gave an undertaking that he would not use the same. But then, contrary to the undertaking, some



years later, four out of the 215 cheques were presented for collection and based on the same, action was also taken and that has led to the registration of the subsequent FIR.

6.I find that the scope of the two FIRs are different. I wondered whether the Investigation Officer can be directed to file a common charge sheet in respect of both the FIR. But then, Crime No.730 of 2015 pertains to cause of action that arose more than two years after the earlier FIR was registered. Therefore, single charge sheet may not encompass both the occurrences. In this view of the matter, leaving open all the contentions and defences of the petitioners, this criminal original petition stands dismissed.

Sd/-

Assistant Registrar (Cr1 Side)

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Sub Assistant Registrar(CS)

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To

1. The Sub Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-2985[F] dated 24/01/2020)

+1 CC to M/s.A.HAJA MOHIDEEN, Advocate (SR-3286[F] dated 28/01/2020)

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