



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.(MD).No.5291 of 2016

and

Crl.M.P.(MD).No.2615 of 2016

1.K.Sundararaj

2.K.Raja

...Petitioners / Accused Nos.1 & 4

Vs.

1.State represented by

The Sub Inspector of Police,

Samayanallur Police Station,

Samayanallur, Madurai District.

(Crime No.341 of 015)

...1st Respondent / Complainant

2.Masanam

...2nd Respondent / *De facto* Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the F.I.R. in Crime No.341 of 2015, on the file of the first respondent Police and quash the same.

For Petitioner : Mr.P.Kanagrajan

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal side)

For R-2 : Mr.K.Rajeswaran

O R D E R

This Criminal Original Petition is filed under Section 482 of Cr.P.C. to quash the First Information Report, pending on the file of the first respondent in Crime No.341 of 2015.

2. A reading of the First Information Report indicates that the petitioners, who are the accused have advanced a loan amount of Rs.20,000/- to the *de facto* complainant for an exorbitant interest at the rate of 5% per month and the *de facto* complainant though tried to discharge the debt, the petitioners demanding total sum of Rs.5,00,000/- started harassing him and obtained documents by force. Further, it is also alleged that the petitioners herein and two others trespassed into the house of the petitioner and demanded Rs.25,00,000/- and if they failed to pay the money, they have to transfer the house in the name of the petitioners. Based on this complaint, which was registered, pursuant to the direction of this Court in Crl.O.P.(MD).No.8598 of 2015, the case was registered by



the first respondent Police on 28.08.2015. Now the accused persons have filed this petition under Section 482 of Cr.P.C., to quash this complaint. For two reasons this petition is not sustainable. The first reason is that, this Court earlier has passed an order to register the complaint being *prima facie* satisfied about the ingredients found in the complaint. The second reason is that, it is time and again, the High Court as well as the Hon'ble Supreme Court has held that the First Information Report cannot be considered as encyclopedia of the crime to carry ingredients of all the offences and it cannot be quashed unless and until there is no material for investigation. It is only during the investigation, the true facts will come out and if there is material to prosecute the Investigating Agency will file a final report. The inherent power of the Court under Section 482 of Cr.P.C. should not be exercised to stifle the legitimate investigation. Hence the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

3. It is for the first respondent Police to proceed with the investigation and if there is material for prosecution, shall do in accordance with law.

sd-
Assistant Registrar

// True Copy //

/ /2020
Sub Assistant Registrar

tsg

To

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

Cr1.O.P. (MD) .No.5291 of 2016

Dated
03.03.2020

AP(16.03.2020) 2P 3C