



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD) No.19466 of 2019

and

Crl.M.P. (MD) No.11419 of 2019

WEB COPY

S.Ramesh Kumar

... Petitioner

Vs

1.The Inspector of Police,
Central Crime Branch,
Madurai City.

... Respondent No.1/Complainant

2.Govindaraj

... Respondent No.2/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.49 of 2019 dated 17.11.2019 on the file of the first respondent and quash the same as illegal.

For Petitioner	:	Mr.C.M.Arumugam
For R1	:	Mr.S.Chandrasekar, Additional Public Prosecutor.
For R2	:	Mr.B.Saravanan

ORDER

This criminal original petition has been filed to quash the FIR in Crime No.49 of 2019 on the file of the first respondent police.

2.The learned Counsel appearing for the petitioner would submit that the defacto complainant has filed insolvency proceedings before the Virudhunagar District Court. Though the insolvency proceedings filed as early as in the year 2018, no material had been produced by the defacto complainant to show that the petitioner is liable to pay a sum of Rs.4 Crores whereas a false complaint has been given as if the petitioner owes a sum of Rs.4 Crores. He would further submit that without considering all these aspects and without conducting preliminary enquiry, a case was registered against the petitioner.

3.The petitioner sent a communication to the first respondent, dated 19.12.2019 stating about the pendency of the above said insolvency proceedings. For which, the first respondent sent a reply stating that they are investigating the matter by verifying with the pendency of the above said insolvency proceedings before Courts. He would further submit that the petitioner did not commit any offences as alleged in the impugned FIR. Without any base, the



first respondent police registered a case as against the petitioner in Crime No. 49 of 2019 for the offences under Sections 406, 420, 120(B), 506(i) IPC. Hence he prayed to quash the same.

4.The learned Additional Public Prosecutor appearing for the first respondent would submit that the case has been registered, very recently on 17.11.2019. He would further submit that the Investigating Officer has fairly sent a reply stating that he will take into consideration of the pendency of the insolvency proceedings. However, he would submit that the final report will depend upon the materials collected during enquiry and that the investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.

5.The learned counsel appearing for the second respondent would submit that as against the petitioner, there are several cases pending under the provisions of TNPID Act.

6.Perused the materials available on record.

7.It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

8.In view of the above, this Court is not inclined to quash the FIR in Crime No.49 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. However, the respondent police is directed to complete the investigation and file final report before the concerned Court, within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns



To

1.The Inspector of Police,
Central Crime Branch,
Madurai City.

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

+1 CC to Mr.B.SARAVANAN, Advocate (SR-2091[F] dated 21/01/2020)

+1 CC to Mr.C.M.ARUMUGAM, Advocate (SR-2372[F] dated 22/01/2020)

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MK (06.02.2020) 3P 5C