

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.2274 OF 2021

AND

CRL.M.P.NO.1249 OF 2021

Sunitha Sree, D/o.Damodaran

.. Petitioners/
Accused No.2

vs.

1. State rep. by
The Inspector of Police,
Sriperumpathur Police Station,
Kancheepuram District.
(Crime No.702 of 2019)

...Respondent/
Complainant

2. Venkatesan
S/o.Vijayapuranam

... Respondent/
Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR in Cr.No.702 of 2019 on the file of the first respondent and quash the same.

For Petitioner : Mr.T.Muruganantham

For R1 : Mr.C.Raghavan
Government Advocate
(Criminal Side)

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ORDER

This petition has been filed seeking to quash the proceedings in Crime No.702 of 2019 pending investigation on the file of the first respondent.

2. The second respondent has given a complaint before the first respondent stating that he came across an advertisement through OLX APP given by the first accused to the effect that a canteen which was run in Rajalakshmi Engineering College is ready for sale. The second respondent is said to have approached A1 and there was negotiation and the sale consideration was fixed at Rs.45 lakhs. According to the second respondent, a sum of Rs.16 lakhs was paid in installments and the canteen was also handed over to the second respondent. Later, A1 is said to have refused to transfer the canteen in favour of the second respondent. In the mean time, the college management decided to take over the canteen. According to the petitioner, A1 absconded and there was absolutely no response from A2. When this was questioned, the petitioner is said to have abused the second respondent in filthy language and criminally intimidated him. Based on this complaint, an FIR came to be registered against the accused persons for an offence under Sections 294(b), 506(I) and 420 of IPC.

3. Heard Mr.T.Muruganantham, learned counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate appearing on behalf of the first respondent.

4. A careful reading of the complaint shows that the entire transaction had actually happened between A1 and the second respondent. It is true that the petitioner was also aware about the transaction and the allegations made against the petitioner pertains the alleged abuse and criminally intimidation.

5. The learned Government Advocate submitted that A1 was arrested and remanded to judicial custody and he has also been released on bail. That apart, even today, the investigation is pending.

6. The learned counsel for the petitioner submitted that there are absolutely no grounds to rope in the petitioner as an accused in this case. The learned counsel further submitted that the petitioner is willing to submit all the documents before the first respondent and the name of the petitioner will have to be dropped from the FIR.

7. Taking into consideration the facts and circumstances of the case, there shall be a direction to the petitioner to appear before the first respondent along with all the relevant documents and give her statement. If the first respondent finds that the petitioner had no role to play in the entire transaction, her name can be dropped from the case and the final report can be filed as against A1, if any offence is made out. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. This Criminal Original Petition is disposed of with the above directions. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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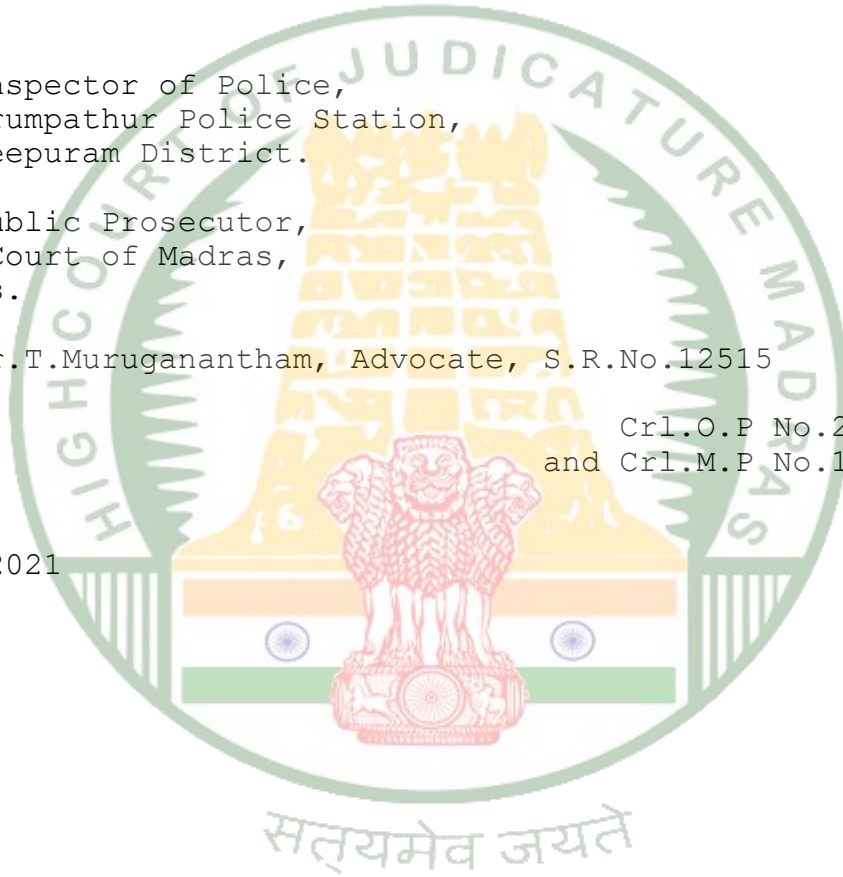
To

1. The Inspector of Police,
Sriperumpathur Police Station,
Kancheepuram District.
2. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.T.Muruganantham, Advocate, S.R.No.12515

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GPL(CO)
CS/22/03/2021



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