



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.3397 of 2018
and Crl.M.P.No,1494/2018

1.Rajendra Kumar K.Jain

2.Vikas Kumar K.Jain

3.Amit Kumar K.Jain

...Petitioners

Vs.

1. State rep.by

The Inspector of Police,
Central Crime Branch, EDF-II, IV Team,
Vepery, Chennai.
(Ref.Cr.No.31/2018)

2. S.Sivakumar

...Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to quash the proceedings in Cr.No.31/2018 pending on the file of the 1st respondent.

For Petitioners : Mr.P.Krishnan

For RR1 : Mr.C.E.Pratap
Government Advocate (Crl.Side)

O R D E R

The petitioners have filed this petition seeking quashment of the proceedings in Cr.No.31/2018, pending on the file of the 1st respondent.

2. The case of the prosecution is that the defacto complainant had came into acquaintance with the petitioners during 2008. In the course of business transaction, the defacto complainant supplied goods to the tune of Rs.6,20,00,000/- and received only a sum of Rs.3,10,00,000/-. On repeated request, it was informed that the due amount will be paid after the sale of the goods. Subsequently the petitioners have failed to pay the same. However, the 1st petitioner had agreed to meet the defacto



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complainant to discuss about the issue. Accordingly, the petitioners 1 and 2 along with some unknown persons had met the defacto complainant and assaulted and threatened him with dire consequences. Hence the complaint was preferred before the respondent Police.

3. The learned counsel appearing for the petitioners submitted that the defacto complainant had lodged a vexatious complaint dated 10.07.2015, as if the petitioners had cheated him to the tune of Rs.3,10,00,000/- and on 23.07.2015, the petitioners had attended the enquiry and gave an undertaking, based on which the complaint was closed and the petitioners have also paid a sum of Rs.8 lakhs to the 2nd respondent by way of cash, as undertaken. The learned counsel further submitted that despite of receiving the said amount, the 2nd respondent had created a fabricated Memorandum of Agreement as if the petitioners had dues to the tune of Rs.3,10,00,000/- and lodged another complaint stating that the petitioners did not pay the said amount, however the Inspector, having found that the defacto complainant had lodged a false complaint, closed the complaint.

4. The learned counsel appearing for the petitioners further added that the signature of the petitioners had been forged and used as if it was genuine and obtained an order from this Court in Crl.O.P.No.19779/2017 to register a case and hence, the respondent Police had registered a case in Cr.No.579/2017 and it is transferred in Cr.No.31/2018.

5. The contention of the petitioner is that the defacto complainant by forging the signature had created fraudulent Memorandum of Agreement and making use of the same, mislead the Court and obtained an order to register the case. Hence, he prays for quashment of the proceedings in Cr.No.31/2018, pending on the file of the 1st respondent.

6. The learned Government Advocate (Crl.Side) submitted that the issue requires adjudication on disputed question of facts and therefore, if some outer time limit is fixed, the law enforcing agency may complete the investigation and file a final report.

7. Since the matter requires thorough investigation and enquiry, this Court cannot quash the FIR at this stage and now it is represented by the learned counsel appearing for the petitioners that without going into the merits of the case, it would suffice, if this Court issues direction to the law enforcing agency to expedite the process of investigation and complete the same as early as possible.



8. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code and not inclined to interfere with the proceedings pending before the respondent Police.

9. Accordingly, this Criminal Original Petition is disposed of with a direction to the respondent Police to complete the investigation pending in in Cr.No.31/2018, on the file of the 1st respondent, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
District Crime Branch,
Land Grabbing Special Wing,
Vellore,
Vellore District.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Cr1.O.P.No.3397 of 2018

AK-II(CO)
RGA(03/08/2021)