

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.09.2020

PRONOUNCED ON : 22.04.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.9111 OF 2016

AND

CRL.M.P.NO.4725 OF 2016

K.Ranjith Baba

... Petitioner

..Vs..

1. State Rep. By,
Inspector of Police (Crime),
E-4 Abiramapuram Police Station,
Chennai - 600 018.
(Crime No.2473/2015).

2. C.A.Prasanth

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime Number 2473/2015 dated 11.08.2015 on the file of the First Respondent/Complainant and quash the same.

For Petitioner : Mr.S.John J.Raja Singh

For 1st respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

For 2nd respondent : Mr.Nandha Kumar,
Legal Aid Counsel

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.2473 of 2015, on the file of the 1st respondent Police.

2.The gist of the case is that the 2nd respondent was approached by the petitioner through his brother claiming that

the petitioner is the Managing Partner of Partnership Firm, namely OMR Check point and Kumbakonam Filter Coffee and also represented that in purchasing the Automobile Spare Parts, there is possibility of earning good money and requested the 2nd respondent to give Rs.4,00,000/- and informed that the amount would be repaid along with Rs.1,00,000/- within a period of three months as a profit from the business. Believing the same, the 2nd respondent arranged the money through his friends and handed over to the petitioner on 10.10.2014. Later the petitioner was evading the payment with an intention to cheat the 2nd respondent. Hence, he lodged a complaint on 14.02.2015 to the 1st respondent Police. Since the 1st respondent Police failed to take any action, the 2nd respondent lodged a complaint before the learned XXIII Metropolitan Magistrate, Saidapet and the same was forwarded under Section 156(3) Cr.P.C., to the 1st respondent Police. On receipt of the same, an First Information Report in Crime No.2473 of 2015 came to be registered on 11.08.2015, for offence under Sections 406, 420 and 506(ii) IPC. Against which the present Quash Petition.

3.The contention of the petitioner is that the petitioner has completed the dual degree in B.E., Mechanical Engineering and B.Tech., Information Technology in the College of Engineering, Guindy and also completed Masters of Technological Design (Rapid Product Development) from the National University of Singapore. The petitioner was running a Partnership Firm and the firm holds several brands namely Sports Village at Thoraipakkam, Kumbakonam Filter Coffee, OMR Food Street at Mettukuppam, Okkiyam Thoraipakkam. The petitioner in course of his business used to issue cheques. While being so, some of the cheques belonging to the petitioner of Oriental Bank of Commerce, Moulivakkam Branch, Kuntathur, Chennai and HDFC Bank, Perungudi Branch, Chennai were misplaced and lost. Thereafter, the petitioner on 25.07.2015 had informed the same to the banks and also gave instructions not to honour the cheques, since the cheques could be misused by somebody. The 2nd respondent conspired with the unknown persons with an intention to exerting money from the petitioner, had lodged a false complaint on 15.02.2015 and also made a false allegations that the petitioner along with two others had gone and threatened the 2nd respondent.

4.The learned counsel for the petitioner further submitted that the period of occurrence mentioned in the First Information Report is from 14.02.2014 to 10.08.2015. It is stated in the complaint that on 10.10.2014, the amount is said to have been borrowed, but on the contrary it is stated that on 14.02.2014, the petitioner is said to have threatened the 2nd respondent, which is improbable. Hence, there is no possibility that the

money of Rs.4,00,000/- could have been given to the petitioner and prayed for quashing the First Information Report.

5.The learned counsel for the 2nd respondent submitted that the petitioner was introduced to the 2nd respondent through his brother and claimed that he is the Managing Partner of OMR Check point and Kumbakonam Filter Coffee and also represented that in purchasing the Automobile Spare Parts, there is possibility of earning money and he requested the 2nd respondent to give Rs.4,00,000/-. In discharge to the same, the petitioner issued cheques with an intention to cheat the 2nd respondent and failed to repay the amount and misappropriated the amount of Rs.4,00,000/-. Thereafter, the 2nd respondent lodged a complaint to the 1st respondent Police. Since the 1st respondent did not act upon, the 2nd respondent lodged a complaint to the XXIII Metropolitan Magistrate, Saidapet and the same was forwarded to the 1st respondent Police under Section 156(3) Cr.P.C., and after that, the First Information Report came to be registered. Immediately, after registration of the First Information Report, the petitioner has filed the above petition and stalled the investigation. Hence, he prayed for dismissal of the Quash Petition.

6.The learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that due to the pendency of the above petition, the investigation is kept pending and within a short period, the investigation would be completed.

7.This Court considered the rival submissions and perused the materials available on record.

8.A perusal of the complaint given before the 1st respondent Police, it is seen that the date mentioned as 14.02.2014 is only a typographical error. In the complaint filed before the trial Court, it is mentioned that on 14.02.2015 the 2nd respondent was threatened and the loan obtained was on 10.10.2014. This is only the point on which the petitioner had filed the above Quash Petition. Finding that it is only a typographical error, not much significance to be giving. It is for the 1st respondent during investigation to ascertain the same and conclude the investigation on merits and in accordance with law.

9.In view of the above, this Court does not find any merit in the above Quash Petition and the same is liable to be dismissed and is, accordingly, dismissed. The 1st respondent

Police is directed to complete the investigation in Crime No.2473 of 2015 within a period of three months from the date of receipt of a copy of this order and file a final report or a closure report as the case may be. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police (Crime),
E-4 Abiramapuram Police Station,
Chennai - 600 018.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.9111 of 2016

RLD(CO)
CS/23/06/2021



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