

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6858 of 2021 and
Crl.M.P.No.4545 of 2021

1.Ashok
2.N.Govindaraj

... Petitioners/A-1 & A-2

Versus

1.The Inspector of Police,
Central Crime Branch,
Coimbatore.
(Crime No.26 of 2020).

2.P.Balamurugan ... Respondents/Defacto Complaint

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to FIR No.26 of 2020, dated 16.09.2020, on the file of the Central Crime Branch, Coimbatore the 1st respondent herein and quash the same as unjust, illegal, unlawful and unsustainable.

For Petitioners: Mr.Himavanth for
Mr.S.Marshall

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.26 of 2020, dated 16.09.2020, on the file of the 1st respondent Police.

2.The contention of the petitioners is that it is only a business transaction between the petitioners and the 2nd respondent. The 2nd respondent lodged a complaint that in pursuant to the agreement dated 23.06.2019, he parted with money to the petitioners for procuring crackers, which is denied by the petitioners. During the relevant point of time, the petitioners are in Coimbatore and they did not threaten the 2nd respondent as alleged in the FIR. The petitioners further contended that in the complaint lodged by the 2nd petitioner, one of the accused Azhagarsamy filed a bail application for the similar transaction, in which the 2nd petitioner has filed intervening petition in the said bail and

thereafter, a compromise was arrived. Therefore, the petitioners are said to have met the 2nd respondent and received the money.

3.The learned counsel for the petitioner further submitted that the 1st respondent Police did not conduct the investigation in proper manner. For enquiry on 08.03.2021, notice was served to the petitioners on the same day and they were asked to appear before the 1st respondent. In such a manner, the investigation has been conducted.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the investigation is in progress and within a period of two months, final report would be filed.

5.The contentions put forward by the learned counsel appearing on behalf of the petitioners are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore does not fall within the ambit of its jurisdiction under Section 482 of Cr.P.C. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

6.In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the 1st respondent Police at this stage.

7.In the result, this Criminal Original Petition is dismissed and the 1st respondent Police is directed to proceed further with the investigation in accordance with law and complete the investigation and file a final report or a closure report, as the case may be, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vv2

To

1.The Inspector of Police,
Central Crime Branch,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.6858 of 2021

KKN (CO)

<https://hcservices.courts.gov.in/hcservices/>

GMI (03/07/2021)