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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10520 of 2021
and
Crl.M.P.No.6321 of 2021

Ramesh ... Petitioner
Versus

1.The State represented by
The Inspector of Police,
Central Crime Branch, Team-X,
Egmore, Chennai.
(Crime No.67 of 2017)

2.Krishna Kant ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.67 of 2017 pending investigation on the file of the 1st respondent police and to quash the same and thus render justice.

For Petitioner : Mr.R.Thirumoorthy

For R1 : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.67 of 2017, dated 09.03.2017, on the file of the 1st respondent Police.

2.The learned counsel for the petitioner submitted that in this case, no offence is made out against the petitioner. As per Sections 63(a) and 65(b) of the Copy Rights Act, the maximum punishment is only for three years. The FIR has been registered against the petitioner on 09.03.2017 and hence, the 1st respondent should file the final report within a period of three years i.e., on 09.03.2020. The petitioner filed a copy application before the lower Court in C.A.No.3636 of 2021 seeking charge sheet, but it was returned on 27.04.2021 with an endorsement that no documents stated in the case papers. Therefore, the 1st respondent has not filed charge sheet so far.

3.The learned counsel for the petitioner further submitted



that since no public or anybody had given a complaint with regard to the offence of deception against the petitioner, the offence of cheating would not arise. Hence, he prayed for quashing the FIR against the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent submitted that in this case, the investigation is almost completed and charge sheet would be filed within a short time. He further submitted that there are materials available to prove that the petitioner had committed the offence of cheating. The maximum sentence has to be considered for working out of limitation and here, for offence under Section 420 IPC, the maximum sentence is 7 years. Hence, the contention put forth by learned counsel for the petitioner cannot be countenanced. Thus, the points raised by the petitioner are to be decided only during the trial and not in this case.

5. It is seen that the contentions put forward by the learned counsel appearing on behalf of the petitioner 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 1st 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. 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 charge sheet or a closure report, as the case may be, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

8. It is made clear that the observations made in this case is only for the purpose of deciding this petition. The 1st respondent Police uninfluenced on the observations made herein shall proceed with the investigation on its own merits in accordance with law. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

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- 1.The Inspector of Police,
Central Crime Branch, Team-X,
Egmore, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.10520 of 2021

PCH(CO)
SB(16/07/2021)