



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13786 of 2021

and

CRL.M.P.No.7540 of 2021

R.VijayaBaskar

... Petitioner/
Accused

Versus

1.The Inspector of Police,
M-3, Puzhal Police Station,
Chennai.

... 1st Respondent/
Complainant

2.S.David NirmalRaj

...2nd Respondent/
De-facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records FIR in Crime No.469 of 2021 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.B.Gurumurthy

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

ORDER

This petition has been filed to call for the records of FIR in Crime No.469 of 2021 on the file of the 1st respondent and quash the same.

2. The petitioner, who is the accused in Crime No.469 of 2021, has filed this quash petition on the ground that the defacto complainant lodged the complaint on 06.06.2021 for the occurrence which is said to have taken place on 11.03.2019. Further the First Information Report has been registered for the offence under Sections 420, 489 A, 489 B and 506(ii) IPC. However, no counterfeit currency was recovered from the petitioner and hence, the inclusion of Sections 489 A and 489B of IPC in the FIR would not attract.



3. The petitioner is a childhood friend of the defacto complainant and he introduced one Syed Mohammed and his wife Shahitha, who are doing business in Coimbatore. Based on the representation of the petitioner, the defacto complainant is said to have handed over a some amount of Rs.52.5 lakhs. Further the defacto complainant has returned the money to the petitioner, but he was threatened.

4. The learned Government Advocate (Crl.Side) submitted that a case in Crime No.469 of 2021 has been registered against the petitioners for the offence under Sections 420, 489 A, 489 B and 506(ii) IPC. After investigation, the petitioner's involvement is very much available as from the materials collected and examination of the witnesses. Hence, he strongly opposed to allow this petition.

5. In this case, a complaint lodged on 06.06.2021, investigation is in progress. The learned Government Advocate (Crl.Side) produced the alternation report and CD files, which show some materials against the petitioner in this case.

6. In view of the same, the contention of the petitioner that he is innocent is not accepted and hence, this petition cannot be entertained. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

dna

To

1. The Inspector of Police,
M-3, Puzhal Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.13786 of 2021
and
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KSM(CO)
PM(02/09/2021)