



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14022 of 2021
and
Crl.M.P.No.7646 of 2021

A.Shahitha

... Petitioner

Versus

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

2.S.David NirmalRaj

... Respondents

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

For Petitioner : Mr. B.Gururmurthy

For Respondents : Mr.A.Damodaran,
Government Advocate (Crl.side)

ORDER

The petitioner is the accused in Crime No.469 of 2021, who has filed this quash petition.

2.The primary contention of the petitioner is that the petitioner's husband/Syed Mohammed was threatened by one Vijaya Bhaskar for repayment of money. The said Vijaya Bhaskar is said to obtained loan from the second respondent/David Nirmal Raj/de-facto complainant. During March 2019, initially, a sum of Rs.30 Lakhs is said to have been given as loan to Vijaya Bhaskar, who in turn paid the amount to the petitioner and her husband. Thereafter, the petitioner and her husband demanded another sum of Rs.22.5 Lakhs, for repayment of earlier loan amount. According to the petitioner, the said Vijaya Bhaskar had availed the loan from the defacto complainant for his business, but not paid the amount to the petitioner and her husband and they are falsely implicated in this case.

3.The learned counsel for the petitioner would contend that



the alleged occurrence took place in the year 2019, and after one and half year, the complaint has been lodged during November 2020 and no explanation has been given for the delay. There is no iota of material against the petitioner to implicate her in this case, and she was falsely implicated, since her husband is involved in this case.

4.Learned Government Advocate (crl.side) submits that now the case is transferred to CCB police on 05.08.2021 and the offences are altered as Section 418, 408 and 506(ii) of IPC., Earlier, the first accused/A1 filed CrI.O.P.No.13786 of 2021 before this Court and the same was dismissed by considering all the aspects, on 10.08.2021. There are some materials to indicate the role of the petitioner, which has to be ascertained.

5.As on date, there is no material produced against the petitioner. During the investigation, no substantial materials found against the petitioner. The respondent/police also transferred the case to CCB to conduct further investigation. As per the Apex Court as well as this Court it was time and again stressed that the First Information Report is not an Encyclopedia, and only after detailed enquiry and investigation, the role of the petitioner could be found. In any event, there is any materials found against the petitioner, CCB police would deal with the case, as per law.

6.With the above observation and direction, the Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

klt

To

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

2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.14022 of 2021

SMI (CO)
PR (02/09/2021)