



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.NO.29028 OF 2017

AND

CRL.M.P.NO.16382 OF 2018

1. Venkataraman
2. Tharani
3. Kalyani

... Petitioners

Vs.

1. The State Rep. by
The Inspector of Police,
City Crime Branch,
Commissioner of Police Campus,
Coimbatore District.
(Crime No.91 of 2017)

2. Lakshmanan

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.91 of 2017 on the file of the 1st respondent police pending investigation is illegal and quash the same.

For Petitioners : Mr.G.Anbuechezheian

For Respondent 1 : Mr.E.Raj Thilak
(Counsel for Govt. of Tamil Nadu)

For Respondent-2 : Mr.J.Selvaraja

O R D E R

This Criminal Original petition has been filed under Section 482 Cr.P.C. to call for the records in Crime No.91 of 2017 on the file of the 1st respondent and quash the same.



2. The case of the prosecution is that the de-facto complainant who is the 2nd respondent herein is the owner of the GN Battery Centre in which three persons were working namely, Mohan, Arumugam, Pattabiraman. The defacto-complainant/ 2nd respondent herein lodged a complaint against the Pattabiraman who is arrayed as accused No.1 and the petitioners herein who arrayed as accused 2 to 4 accordingly alleging that the said Pattabiraman had misappropriated the amount of Rs.32,82,400/- and the said amount has been given to the petitioners herein. Hence, the petitioners had been registered in Crime No.91 of 2017 on the file of the 1st respondent herein. Hence, this Criminal Original Petition.

3. The learned counsel for the petitioner would submit that the accused No.1 is the blood relative of the petitioners herein who are brother, wife and mother and they are arrayed as accused Nos.2, 3 and 4 respectively in the said Criminal proceedings. The 2nd respondent had lodged a false complaint against the petitioners. The 1st respondent had registered the case in Crime No.91 of 2017 without any cogent materials, vital documents and proper evidence. It has been stated by the defacto-complainant that the amount was misappropriated from the year 2015 by the accused No.1, as he is Income Tax Assessee and filing return every year, the misappropriation could have been informed by the Auditor during the related assessment year. However, the 2nd respondent has made complaint in the year 2017 when the occurrence was taken place in the year 2015. The real fact is that the 2nd respondent decided to retrench his one of the staff ie. Pattabiraman from the said company. So, he informed to him to relieve himself from the company. Hence, the accused no.1 has claimed settlement for being the staff in the company from the 2nd respondent herein. Being irritated by the claim made by the accused no.1, the 2nd respondent had lodged complaint against the accused No.1 and the petitioners herein.

4. It has further been stated that the F.I.R in Crime No.91 of 2017 has been registered only for the purpose of thrown out from the company of the accused no.1 without any settlement. The petitioners were granted Anticipatory bail by this Hon'ble Court in CrI. O.P. No.26565 of 2017 dated 07.12.2017. Hence, he prays to quash the said F.I.R in Crime No.91 of 2017 on the file of the 1st respondent herein.

5. The learned Government Advocate (CrI. Side) on instruction would submit that the petitioner was registered on the based of the complaint made by the 2nd respondent herein. The investigation is on in this regard.

6. Heard the learned counsel on either side.



7. Having considered the facts and circumstances of the case, this Court is of the view 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 respondent Police.

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

9. In the result, this Criminal Original Petition is dismissed and the 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 three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed if any.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lbm

To

1. The Inspector of Police,
City Crime Branch,
Commissioner of Police Campus,
Coimbatore District.
2. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.G.Anbuechezheian, Advocate, S.R.No.37955

CRL.O.P.NO.29028 OF 2017 AND
CRL.M.P.NO.16382 OF 2018

RSV(CO)
PBS/17/09/2021