IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.23746 of 2018
and
Crl.M.P.No.13364 of 2018

B.Jayalakshmi ... Petitioner/Accused

Vs

1.State rep by
Inspector of police (crime),
K-4 Annanagar Police Station,
Chennai-600 026.

2.K. Manoj Krishnan
... Respondents/Complainant/Defacto Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records to quash the FIR in Crime No.630 of 2018, registered on 28.07.2018 by the 1st Respondent.

For Petitioner : Mr. G. Ashok Kumar

For 1st Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

O R D E R

The petitioner has filed this petition seeking to call for the records to quash the FIR in Crime No.630 of 2018, registered on 28.07.2018 by the 1st Respondent.

2. The case of the prosecution is that the defacto complainant is working as Senior Manager at M/s.Ojala (India) Engineering Pvt. Ltd., and for the purpose of expansion of the business activities, had approached one Mahesh through whom the petitioner's husband Vijay was introduced and the petitioner's husband promised to arrange funds for the expansion of the business. The petitioner's husband along with the said Mahesh inspected the company of the defacto complainant, but, thereafter, left for the United States. From the United States,

the petitioner's husband had liaised with the Managing Director of the defacto complainant's firm and for the purpose of availing loan, had asked the Managing Director to go over to US and accordingly, the Managing Director of the defacto complainant's firm had gone over to US from whom the petitioner's husband had received a sum of Rs.39,11,146/-, being the amount that is required for arranging the loan for the defacto complainant's firm. However, after receiving the amount, neither loan was secured nor the money returned to the company and when the defacto complainant approached the petitioner for return of the money, which was received by her husband, the defacto complainant was threatened with dire consequences, which resulted in the filing of the complaint and its subsequent registration in Crime No.630/2018.

3. Learned counsel appearing for the petitioner submitted that the petitioner has not borrowed any money from the defacto complainant and that the acts of her husband cannot be fastened on her to implicate her in the offence. Further, it is the submission of the learned counsel for the petitioner that the petitioner had parted company of her husband way back in the year 2012 and is in no way connected with the alleged offence and, accordingly, prays for quashment of the FIR against her.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submits that the petitioner's husband, even according to the petitioner, is alleged to have borrowed money from many persons. It is the further submission of the learned Government Advocate that pursuant to the payment received from the defacto complainant's firm, the petitioner had purchased some property in her name. The means for purchasing the property has not been established by the petitioner and investigation is under way as even according to the petitioner, her husband is involved in very many monetary transactions and it would not be in the interest of the respondent to quash the case at this point of time as the complicity of the petitioner in the commission of offence has to be investigated. Therefore, he prays for dismissal of the case.

5. This Court paid its undivided attention to the submissions advanced by the learned counsel for the parties and also perused the materials available on record.

6. Though it is the stand of the petitioner that amounts have been borrowed by her husband from very many persons, of whom one is the defacto complainant and that she has to face the persons, who had paid out money to her husband, however, it should not be lost sight of that a sale transaction has been entered into by the petitioner in the year 2013 for a sum of more than Rs.7 Lakhs. But the source for purchasing the said property has not been established by the petitioner. The

respondent definitely needs to investigate the issue to find out the truth or otherwise in the matter and foreclosing the case of the respondent at the threshold by holding that the petitioner is in no way involved in the said transaction would be nothing but putting the cart before the horse. Therefore, in the interest of justice, it would not be justifiable to allow the petition at this point of time, as it will not only cause great hardship to the investigating agency to proceed with further investigation, but it would also cause irreparable loss to the defacto complainant, as the defacto complainant's firm had shelled out a lot of money to the petitioner's husband towards procurement of loan. Therefore, this Court is of the considered view that the prayer for quashment as prayed for by the petitioner cannot be acceded to at this point of time and, therefore, this petition deserves to be dismissed.

7.For the reasons aforesaid, this criminal original petition fails and the same is dismissed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Inspector of Police,
   K-4, Annanagar Police Station,
   Chennai-600 026.

2. The Public Prosecutor,
   Madras High Court.

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NMI (CO)
PR (29/11/2021)