



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 21.04.2021
DELIVERED ON : 21.05.2021
CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.OP(MD)No.5681 of 2021 &
Crl.MP(MD)No.3282 of 2021

Geroge Philip

... Petitioner/Accused No.1

Versus

1.State Represented through,
The Inspector of Police,
District Crime Branch,
Ramanathapuram.

... Respondent/Complainant

2.Daisy

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.32 of 2020 pending on the file of the Inspector of Police, District Crime Branch, Ramanathapuram District and quash the same in respect of the petitioner concerned.

For Petitioner : Mr.S.Samuel James
For R1 : Mr.K.Suyambu Linga Bharathi,
Government Advocate

O R D E R

This petition is filed seeking quashment of First Information Report in Crime No.32 of 2020 pending on the file of the first respondent in respect of this petitioner.

2. The case of the second respondent / defacto complainant before the first respondent police is that the petitioner herein by name, Geroge Philip was working as an Assistant in Health and Family Welfare Department, Government of Tamil Nadu, Chennai. He was introduced to her and he told that he arranged Government job for several persons and so, the defacto complainant requested the petitioner to arrange Government job for her son-in-law, namely, Jubel who completed BBA course and awaiting Government job, Davidrajan, who is her sister's son and Naveen, who is her relative. This petitioner demanded Rs.5,00,000/- (Rupees Five Lakhs only) each for securing a Government job. He received the Xerox copies of educational documents of all the persons. There was some delay on the part of the second respondent to pay the amount. Therefore, the petitioner threatened the defacto complainant, saying that they might not get any Government job in future. So, on 30.05.2020, at about 03.30 PM, she contacted the petitioner to give the amount.

<https://hccrecords.courts.gov.in/hccservices/>

The petitioner came to New Bus Stand, Ramanad in a car bearing Registration No.TN 07 R 4779 along with another person. On enquiry, the petitioner informed her that he is Prakash @ Navappan. She paid Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the petitioner and demanded appointment order. But without giving any answer, they left the place after taking the money. Immediately, she contacted the Superintendent of Police through mobile phone and informed the occurrence. Later, she lodged a complaint and so, a case in Crime No.32 of 2020 was registered under Sections 406 and 420 of IPC on 30.05.2020. Investigation is underway.

3. Heard both sides.

4. Hearing of the parties and perusal of the documents produced by the petitioner shows that the petitioner was working as an Assistant in Health and Family Welfare Department, Government of Tamil Nadu, Chennai. Now, because of the occurrence, he is under suspension. As narrated in the preamble portion, it is the specific case of the second respondent / defacto complainant that promising to secure Government job for her relatives, the petitioner received Rs.15,00,000/- (Rupees Fifteen Lakhs only) on 30.05.2020. This occurrence is disputed by the petitioner on the ground that on 29.05.2020 he was arrested by the police, detained in police custody from 29.05.2020 to 31.05.2020, he was remanded to judicial custody on 31.05.2020 and thereafter, released on bail. So, according to the petitioner, the alleged occurrence mentioned in the First Information Report is totally false and chance of occurrence is almost nil. He would further state that for the purpose of constructing a Hospital for his son, he approached one Balaji for hand loan of Rs.30,00,000/- (Rupees Thirty Lakhs only). On 29.05.2020, after receiving the amount, he was returning from Chennai. At that time, the second accused called him stating that he committed car accident near Sri Meenakshi Mission Hospital, Madurai and requested the petitioner's help. He reached Madurai along with his money and called the second accused. At about 04.00 PM, the police stopped his car, arrested him and took him under custody. They also took away the amount and car. Since he was in illegal custody, he made a complaint against the first respondent to the higher police officials. So according to him, the occurrence is totally false. For that purpose, he has also produced the toll gate entry ticket, remand request made by the first respondent and the complaint given by him against the respondents to various Authorities. So, the question which arises for consideration is whether these factual aspects made by the petitioner in this petition can be taken into consideration for the purpose of deciding this petition.

5. It is settled law that factual aspects cannot be gone into in a petition filed under Section 482 of Cr.P.C. Whether on that particular date and time, the petitioner was detained under illegal detention by the first respondent can only be a matter for consideration during investigation and trial.



6. The remand request reads that based upon the complaint given by the defacto complainant, case has been registered. Before that the defacto complainant contacted the Superintendent of Police and informed about the occurrence, since this petitioner is escaping. Therefore, on 30.05.2020, at about 07.30 PM, the petitioner was arrested along with car and money and the next day ie., on 31.05.2020, at about 00.45 AM, he was brought to Ramanathapuram District Crime Branch.

7. Now the petitioner's case is that he was illegally arrested on 29.05.2020 and was detained under police custody till 31.05.2020. As I have mentioned earlier, these are the facts that can be verified only during the course of investigation and trial. These factual aspects cannot be gone into at this stage. According to the petitioner, the car which was seized from him is mentioned with Registration Number and is also noted as exempted class - police vehicle in the toll entry. So, according to him, this document clearly shows that on 29.05.2020, he was arrested and taken along with his car to the Police Station by the police. That is why, his car has been exempted from paying the toll charges. However, the toll gate entry ticket produced by the petitioner cannot be taken into account for deciding this petition, since it is not an admitted document. The genuineness of the document has to be verified only during the course of investigation and trial. The petitioner produced medical records to show his health problems. This also cannot be taken into consideration for deciding this petition. Hence, I find that no strong case has been made out by this petitioner for quashing the First Information Report.

8. During the course of arguments, the learned Government Advocate produced the final report filed by the Investigation Officer before the learned Judicial Magistrate No.2, Ramanadhapuram. Whether cognizance is taken by the Magistrate or not is not known to this Court. However, it is seen that on 04.03.2021, final report has been prepared to show that this petitioner along with another has committed offence punishable under Sections 406 and 420 of IPC. So, the only course available to the petitioner is to face the trial. Quashment of First Information Report has become now infructuous. With these observations, this petition is liable to be dismissed and accordingly, dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

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/ /2021

Sub Assistant Registrar(CS)



1.The Inspector of Police,
District Crime Branch,
Ramanathapuram.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KK(16.06.2021) 4P 3C