



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17750 of 2021
and
Crl.M.P. (MD)No.9683 of 2021

Ravi ... Petitioner/Accused No.1

Vs.

1.The State rep. by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.233 of 2017) ... Respondent/ Complainant

2.Solaimalai ... Respondents/ Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pursuant to the FIR in Crime No.233 of 2017 pending on the file of the 1st respondent police and quash the same insofar as the petitioner is concerned.

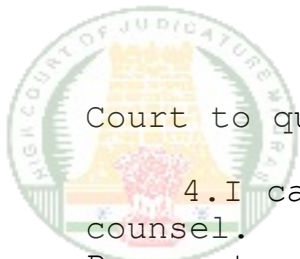
For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1.

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

2.This criminal original petition has been filed for quashing the impugned FIR in Crime No.233 of 2017 registered on the file of the first respondent for the offences under Sections 406 and 420 of IPC.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. He would point out that even though the FIR was registered as early as in July, 2017, till date, the final report has not been filed. He also would contend that the so-called victims were actually taken abroad for employment but they chose to return since they did not find the employment conditions to be conducive. He therefore wants this



Court to quash the impugned FIR as an abuse of legal process.

4.I cannot accept the aforesaid contentions of the petitioner's counsel. As rightly pointed out by the learned Additional Public Prosecutor, considering the aforesaid contentions would necessarily involve conducting a factual probe. Such a course of action is not contemplated while exercising jurisdiction under Section 482 of CrPC. It is a case of job racketing. Whether the petitioner is innocent or not can only be established in a regular trail. However, taking note of the fact that the case is kept pending at the FIR stage for more than 4 ½ years, the first respondent is directed to file the final report within a period of three months from the date of receipt of a copy of this order. I have not gone into the merits of the matter. All the contentions and defences of the petitioner are left open.

5.With these directions, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

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RD(01.12.2021) 2P 3C