



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20572 of 2021

and

Crl.M.P. (MD)No.11720 of 2021

WEB COPY

S.Thamaraislevar

... Petitioner/Accused No.1
Vs.

1.The State rep by
The Sub Inspector of Police,
DCB Police Station,
Tirunelveli.
(Crime No.17 of 2021)

2.K.Sekar

... Respondents/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records from the 1st respondent police in Crime No.17 of 2021 and quash the same as devoid of merits against the petitioner/1st accused.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.E.Antony Sahaya Prabakar,
Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed for quashing the impugned FIR in Crime No.17 of 2021 registered on the file of the first respondent for the offences under Sections 406, 420 and 109 of IPC.

2.The learned counsel for the petitioner stated that the petitioner has settled the claim of the defacto complainant/K.Sekar. While this may be true, as rightly pointed out by the learned Additional Public Prosecutor, settling the claim of the defacto complainant alone is not sufficient. It is stated that apart from the defacto complainant, there are other victims. The case on hand pertains to job racketing. The petitioner's counsel asserted that except the defacto complainant/K.Sekar, the other victims have not named him. I called upon the learned Additional Public Prosecutor to find out if in the statements of the other victims, the petitioner's name has also mentioned. The learned Additional Public Prosecutor drew my attention to the statement of Sampath, Essakiappan, Muthukrishnan and Balakrishnan. In all the statements, the petitioner has also been implicated. Therefore, settling the



claim of the defacto complainant/K.Sekar alone may not be sufficient to secure relief. The petitioner has to necessarily settle the claims of the other victims also.

3.Leaving open the petitioner's rights and remedies, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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 Sub Inspector of Police,
DCB Police Station,
Tirunelveli.

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

Crl.O.P(MD)No.20572 of 2021
22.12.2021

NSN(CO)
GC(07.01.2022) 2P 3C