



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.2702 of 2019
and
Crl.M.P.No.1727 of 2019

Micky Antony Roger

...Petitioner

Versus

1. The State

Rep. by Inspector of Police,
K.K.Nagar Police Station,
Chennai.

2.R.Manikandan

...Respondents

Prayer: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records pertaining to FIR in Crime No.256 of 2018 on the file of the Respondent Police and quash the same.

For Petitioner: Mr.A.Ramalingam - No appearance

For R1 : Mr.R.Vinothraja
Government Advocate (Crl.Side)

For R2 : Mr.A.R.Balaji

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.256 of 2018 on the file of the Respondent Police.

2.When the case is taken up for hearing, there is no representation for the Petitioner. On verification of records, it is found that at the stage of admission, this Court had directed the Investigation Officer not to lay final report of the investigation against this Petitioner and the Investigation Officer can proceed with the investigation, but, the only condition is that the Investigation Officer shall not lay the final report of the accused in this petition until further orders.

3.Today (i.e.,12.04.2022), the learned Counsel for the



second Respondent/defacto complainant appeared before this Court and submitted that the Petitioner herein persuaded the second Respondent/defacto complainant to join him in forming a partnership firm. Accordingly, the second respondent responded by giving a sum of Rs.38,00,000/- (Rupees Thirty Eight Lakhs Only) to A1 in the FIR. This petition is filed by A6, who is the petitioner herein. Subsequent to the receipt of the money by A1, it was utilized by his family members for their lavish expenditure and no partnership firm was formed. Therefore, the second respondent/defacto complainant was forced to prefer a complaint, based on which, an FIR in Crime No.256 of 2018 on the file of the K.K.Nagar Police Station was registered.

4.The learned Government Advocate (Crl.Side) for the first Respondent submits that an interim stay was granted only regarding A6, who is the petitioner before this Court and there is no impediment for the Investigation Officer to proceed with the investigation. Therefore, he submitted that the investigation had been almost completed, since the stay is in force, the Investigation Officer had not filed any final report.

5.Considering the submissions of the learned Government Advocate (Crl.Side), it is found that the petitioner by filing this petition under Section 482 of Cr.P.C. had misused and abused the process of the Court by scuttling the investigation against him under the protection of an interim stay granted by this Court and he had successfully delayed the investigation by three years. Therefore, as per the reported ruling of the Hon'ble Supreme Court in State of Haryana Vs. Bhajan Lal, the Hon'ble Supreme Court had deprecated the practice of the High Courts in considering leniently and exercising of discretion quashing the FIR, quashing the charge sheet, etc.,

6. In the light of the above ruling and on the basis of the submissions of the learned Counsel for the second Respondent and the learned Government Advocate (Crl.Side), this Criminal Original Petition is dismissed as an abuse of the process of the Court. The Investigating Officer is directed to complete the investigation and lay the final report within a reasonable period of time, even if the materials are found against this petitioner also.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
K.K.Nagar Police Station,
Chennai.

2. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.S.Mohamed Uduman, Advocate, S.R.No.25278

Cr1.O.P.No.2702 of 2019
and
Cr1.M.P.No.1727 of 2019

KK (CO)
RGA (05/05/2022)