



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.3460 of 2019
and
Crl.M.P.No.2202 of 2019

Jayanthi ... Petitioner/Accused No.2
Versus
1. The Inspector of Police,
District Crime Branch,
Coimbatore District.
(Crime No.34 of 2018) ... 1st Respondent / Complainant
2. Velusamy ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records in Crime No.34 of 2018 on the file of District Crime Branch, Coimbatore District and quash the same.

For Petitioner : Ms.Akshya
for Mr.S.Manoharan
For R1 : Mr.S.Vinothkumar
Government Advocate (Crl.Side)
For R2 : Mr.R.Jayaprakash

ORDER

This Criminal Original Petition had been filed seeking to quash the FIR in Crime No.34 of 2018 on the file of the first Respondent Police.

2. When the case came up for hearing, the learned Counsel for the Petitioner submitted that the Petitioner/ Accused-2 is in no way connected with the business conducted by the Second Respondent/ de facto Complainant. The business is between the husband of the Petitioner and the Second Respondent. Only to harass her, her name had been dragged in the FIR. Therefore, she filed this petition seeking to quash the FIR.

3. The learned Government Advocate (Criminal Side) vehemently objects to quash the FIR on the ground that the business transaction involved is Rs.1,46,00,000/- (Rupees One Crore and Forty Six Lakhs only). If there are no materials



incriminating the Petitioner, the Investigation Officer has discretionary power to delete her name. On such submission this petition need not be allowed.

4. The objection of the learned Government Advocate (Crl. side) is found justified on perusal of the averments in the FIR. Therefore, based on the guidelines issued by the Hon'ble Supreme Court in the case of State of Haryana Vs. Bhajan Lal, this Court shall not exercise power under Section 482 of Cr.P.C. liberally. It is for the Investigation Officer to collect the materials. In the process of investigation, if there are no materials to incriminate the Petitioner, the Investigation Officer has power to delete the name of the Petitioner herein. Under those circumstances, as submitted by the learned Government Advocate (Crl. side), this is not a fit case for quashing the FIR at the initial stage of the investigation.

5. In the result, this petition is dismissed with a direction to the Investigation Officer to proceed with the investigation and file the final report of the investigation within a reasonable period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gba

To

1. The Inspector of Police,
District Crime Branch,
Coimbatore District.
(Crime No.34 of 2018)
2. The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.28222

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CA(CO)
CT 27/05/2022