



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.8545 OF 2022

AND

CRL.M.P.NO.4984 OF 2022

Mr.G.Paramasivam,
S/o.Gangatharan

... Petitioner

Vs

1. The State represented by,
The Inspector of Police,
Choolaimedu Police Station,
Chennai City.
(Crime No.688 of 2021)

2. Sundaramurthy

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the impugned FIR in Crime No.688 of 2021 on the file of the first respondent police and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manoharan

For R1 : Mr.V.Meganathan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, to call for the records relating to the impugned FIR in Crime No.688 of 2021, on the file of the first respondent police and quash the same by allowing this Criminal Original Petition.

2. The case of the prosecution as per the second respondent/defacto-complainant (Sundaramurthy) is that the main accused one Palanikumar had received a sum of Rs.25,00,000/- from the victim for securing a job. But the accused had neither



obtain the job nor returned the money. When the victim had demanded to return the money, the accused had abused him and abetted him to commit suicide. Thereby, the victim had committed suicide by self-immolation. Hence the complaint.

WEB COPY

3. The learned counsel for the petitioner would submit that without any allegations made against the petitioner in the complaint, the respondent has implicated the petitioner as an accused. Even as per the FIR, the allegations of abetment are made against one Palanikumar(A1) and there is absolutely no averments as against the petitioner. In such circumstances, when there is no material evidence against the petitioner for the offences punishable under Sections 406, 420 and 306 of IPC, the implication of the petitioner in this case is nothing but an abuse process of law and thereby, he would seek to quash the proceedings. He would further submit that due to the pendency of the case, the petitioner who is a Government Servant is now placed under suspension.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the first respondent would submit that it is a case where one Palanikumar(A1) has induced the victim in the guise of obtaining a job and received an amount of Rs.25,00,000/- and cheated him. When the victim had asked him to return the money, the accused had abused the victim and abetted him to commit suicide. The case was registered only on 10.09.2021. The said Palanikumar(A1) was arrested and he had given a confession statement stating that the petitioner who is working as a Dispatch Assistant in Labour Welfare and Skill Development Department, had received money from the victim by securing a job and had cheated him. The investigation is in initial stage and pending and there are sufficient materials pointing the involvement of the petitioner in the offence.

5. Heard the counsel. FIR is not an encyclopedia and it need not contain all facts. As per the prosecution, the petitioner had joined with A1 and had cheated the victim resulting in him committing suicide. The materials discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. In view of the above, this Court is not inclined to quash the proceedings in Crime No. 688 of 2021. However, the first respondent police is directed to complete the investigation and file final report before the concerned Court within a period of six months from the date of receipt of a copy of this order.



7. Accordingly, this Criminal Original Petition stands disposed of with the above observations and directions. Consequently, connected Criminal Miscellaneous Petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rgm/ata

To

1. The Inspector of Police,
Choolaimedu Police Station,
Chennai City.
2. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.N.Manokaran, Advocate, S.R.No.25889

Crl.O.P.No.8545 of 2022
and
Crl.M.P.No.4984 of 2022

RK(CO)
RLP(20/05/2022)