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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.NO.17139 OF 2018 &
CRL.M.P.NOS.8835 & 8586 OF 2018

1.C.Abdul Saleem
2.C.Shamsudeen

...Petitioners

Vs

1.State rep. by
The Inspector of Police,
District Crime Branch,
Erode District.

2.V.G.Selvarasu
3.S.P.Murugesan
4.Loganathan
5.N.Sakthivel
6.N.Kadaganravi
7.V.Natarasan
8.K.P.Eswaramoorthy
9.S.Tamilarasu
10.S.S.Velappan
11.Periyasamy
12.Eswaramoorthy
13.K.Muthusamy
14.S.Ramesh
15.S.A.Venkatesan
16.R.Muthusamy
17.J.A.Palanisamy
18.A.Raji
19.Sampath Kumar
20.R.Muthusamy
21.Thavasiraja @ Raja

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records relating to the Crime No.8 of 2018 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.M.S.Palaniswamy

For Respondents : R1 - Mr.R.Kishore Kumar,
Government Advocate (Criminal Side)



O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.8 of 2018 on the file of the 1st respondent Police registered against the petitioners for the offences punishable under Sections 120 B, 294 B, 420 and 506 (ii) of IPC.

2. The crux of the allegation in the First Information Report is that the accused on the promise of paying the money, procured banana from the defacto complainant and cheated the defacto complainant and they have not paid a sum of Rs.35,75,000/-. It is alleged that many farmers have been cheated and the amount has not been paid. Thereby, the First Information Report has been registered.

3. It is relevant to note that the First Information Report has been registered as per the direction of this Court by its Order 20.09.2017 in Crl.O.P.No.19849 of 2017. The main contention of the learned counsel for the petitioners is that this case is nothing but motivated and the earlier complaints given by the defacto complainant were closed by the police and suppressing the same, the present complaint has been filed. It is further submitted that even the direction petition filed before this Court in Crl.O.P.No.25810 of 2015 and 12753 of 2018 have been dismissed. Hence, submitted that present First Information Report has to be quashed.

4. At the outset, I am of the view that such a contention cannot be accepted. Merely because the police has closed the case as mistake of fact, it cannot be said that the allegations has to go unnoticed without any proper investigation. The first complaint given by the complainant has been compromised on condition of payment. However, payment has not been made. When a direction petition has been filed before this Court in Crl.O.P.No.25810 of 2017, the said petition has been closed on the statement of the Public Prosecutor that after enquiry, the matter was closed. Similarly, the petition has been dismissed mainly on the ground that the petitioner without approaching appropriate forum has come forward with another direction petition. Therefore, those Orders does not deter the police from conducting investigation of the offence and proceeding with further investigation. It is relevant to note that the allegation in the First Information Report itself will indicate that the accused by giving false promise deceived the farmers and took their products and not paid the amount to the tune of Rs.35 lakhs. Such being the position, these matters have to be investigated properly. Hence, this Court is not inclined to quash the proceedings.



5. Accordingly, this Criminal Original Petition is dismissed. The first respondent is directed to expedite the investigation and file a final report. Consequently, connection miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

vrc / kbs

To

1)The Inspector of Police,
District Crime Branch,
Erode.

2)The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.17139 of 2018 &
Crl.M.P.Nos.8835 & 8586 of 2018

PMK(CO)
RVM(15/02/2022)