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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9166 OF 2022

D.P.Thulasiram

... Petitioner

Vs

1. The State rep by
The Inspector of Police,
Uthukottai Police Station,
Thiruvallur 602 026.

2. Selvam

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to Crime No.543 of 2017 on the file of the Inspector of Police, Uthukottai Police Station, Thiruvallur District and quash the same.

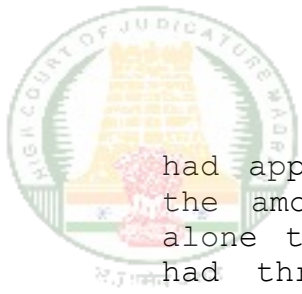
For Petitioner : Mr.K.Kathiresan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1

ORDER

This Criminal Original Petition has been filed to call for the records relating to Crime No.543 of 2017 on the file of the Inspector of Police, Uthukottai Police Station, Thiruvallur District and quash the same.

2.The case of the prosecution as per the de-facto complainant Selvam is that during the year 2014 he had borrowed a sum of Rs.1,00,000/- from one Thulasiraman, who is the proprietor of Raja Auto Finance, Uthukottai and he had paid a sum of Rs.10/- for every Rs.100/- borrowed. He was unable to pay the interest. While so, the de-facto complainant on 06.11.2017



had approached the accused Thulasiraman and informed that for the amount of Rs.1,00,000/- has been repaid towards interest alone to the tune of Rs.3,00,000/-. At that time, the accused had threatened that he along with his family would commit suicide if further interest is demanded and sought return of the documents. Based on the complaint, a case in Crime No.543 of 2017 was registered against the petitioner for the offence under Sections 294(b), 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

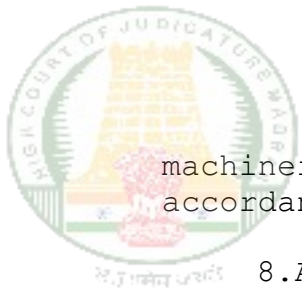
3.The learned counsel appearing for the petitioner would submit that the petitioner is a retired Government Servant and he is no way connected to Raja Auto Finance, Uthukottai. The accused has given a false complaint against him. He would submit that the defacto complainant has borrowed money from the several persons and he had earlier filed I.P.No.3 of 2017 on the file of the Principal District and Sessions Judge, Thiruvallur and it was dismissed for default on 30.10.2019. In order to evade the payment to the other persons, the de-facto complainant has given a false complaint and thereby, he seeks to quash the proceedings against him.

4.The learned Additional Public Prosecutor appearing for the 1st respondent would submit that based on the complaint given by the de-facto complainant, he was threatened by the petitioner, a case has been registered for the offence under Sections 294(b), 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 . He would further submit that the investigation has been pending and the grounds raised by the petitioner are factual in nature and no legal ground has been raised.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the 1st respondent and perused the entire materials available on record.

6.This Court is of the opinion that the petitioner has not made out any valid ground for quashing the proceedings in Crime.No.543 of 2017. All the grounds raised are factual in nature and they can be raised at the relevant stage of trial.

7. It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Therefore, it cannot be quashed on the threshold. This Court finds that the FIR 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.

8. Accordingly, this Criminal Original Petition is dismissed. However, this Court directs the Inspector of Police, Uthukottai Police Station, Thiruvallur, to complete the investigation as expeditiously as possible and file the final report preferably within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vkrr/nr

To

1. The Inspector of Police,
Uthukottai Police Station,
Thiruvallur 602 026.

2. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.K.Kathiresan, Advocate, S.R.No.28747

Cr1.O.P.No.9166 of 2022

RK(CO)

RLP(11/05/2022)