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CrI.O.P.No.14940 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

CRL.O.P.No.14940 of 2022

S.Krishnan

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police
Bhuvanagiri
Cuddalore District.
(Crime No.123 of 2019)

2.K.Maruthai

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.123 of 2019 on the file of the respondent No.1 and quash the same as illegal as against this petitioner (A5) concerned.

For Petitioner : Mr.M.Venkadesh Kumar

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

: Mr.R.Sanakara Subbu for R2



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ORDER

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2.The petitioner herein is arrayed as A5. The crux of the allegation is that due to business transactions, cheques were handed over to A2 and A2 with the help of other accused manipulated the accounts and claimed some amount, thereby, F.I.R came to be registered. Though in the F.I.R. it is stated that a sum of Rs.60,000/- is also liable to be paid by this petitioner, no other allegation is made out as against this petitioner.

3.Today, the defacto complainant is present before this Court identified by Mr.Sankarasubbu, the learned counsel for the defacto complainant. The petitioner herein viz. A5 also present and his identification is also not disputed by the Investigation Officer. The



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defacto complainant filed an affidavit dated 30.06.2022 stating that he has no objection in quashing the proceedings as against the petitioner / A5 herein, as A5 was not aware of the crime and no way connected with the said offence and the proceedings against him shall be quashed.

4.The above submissions of the defacto complainant is recorded and the affidavit filed by him is taken on record. The very allegations in the F.I.R. itself is not against the petitioner. F.I.R. was mainly targeted against A1 and A2. When that being the case, continuing the investigation against A5 will not serve any purpose.

5.The F.I.R. registered in Crime No.123 of 2019, for the offence u/s.120B, 420, 465, 406 I.P.C. on the file of the respondent No.1 in respect of the the petitioner viz. A5 alone is quashed accordingly. The investigation shall continue in respect of other accused.

5.In the result, the Criminal Original Petition is disposed of.

30.06.2022

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N.SATHISH KUMAR, J.

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To

1.The Inspector of Police
Bhuvanagiri
Cuddalore District.

2.The Public Prosecutor,
High Court of Madras.
Chennai – 600 104.

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30.06.2022