



Crl.O.P.No.23885 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.23885 of 2022
and Crl.MP.No.15179 of 2022

Periyasamy

... Petitioner

Vs.

1. The State Rep.by
Inspector of Police,
DCB Police Station,
Tiruvallur District,
Tiruvallur.
(Crime No.31 of 2021)

2. S. Rajkumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records relating to the FIR in Crime No.31 of 2021
on the file of the Inspector of Police, DCB Police Station, Tiruvallur
District, Tiruvallur and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.S.Santhosh
Govt. Advocate (Crl. Side) for R1



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ORDER

This petition has been filed to call for the records relating to the FIR in Crime No.31 of 2021 on the file of the Inspector of Police, DCB Police Station, Tiruvallur District, Tiruvallur and to quash the same.

2. The learned counsel for the petitioner submitted that a complaint has been lodged by the defacto complainant/2nd respondent on 11.08.2021, alleging that the petitioner, representing himself as a driver employed in income tax department, cheated the 2nd respondent on a false promise that he would secure a job in the income tax department and received Rs.7 lakhs from him on various occasions, but subsequently, he neither got a job for him, nor returned the money. Based on which, a case in Crime No.31 of 2021 was registered against the petitioner for the offence u/s.406 and 420 IPC. He would further submit that the allegations made in the complainant are false and there is no material for entrustment of amount by the complainant to the petitioner, as such there is no eminate for the offence u/s.406 IPC. Hence he prayed to quash the FIR



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3. The learned Government Advocate (Crl.side) submitted that the case is still under investigation and that he opposed to allow this petition.

4. Heard both sides and perused the materials available on record.

5. On a perusal of the records, it is seen that the complaint has been given by one Rajkumar, residing at No.506-A, Jayaram Nagar, Samireddy, Kandigai, Gummidipoondi, Tiruvallur district. In the complaint, he had stated that he is working as a driver in the Income Tax Department and that he is able to get a job for the defacto complainant in the Income Tax Department and thereby demanded money. On the assurance given by the petitioner, the defacto complainant gave a sum of Rs.4,55,000/- on various dates. On 06.04.2021, the petitioner came to the defacto complainant's house and demanded a sum of Rs.80,000/- and thereafter again the petitioner demanded a sum of Rs.3,75,000/- showing the job order dated 01.06.2021 and ascertained that the defacto complainant would get the job order through the post. But he did not get any order through post. Thereby the petitioner cheated the defacto



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complainant. Hence he gave a complaint and having prima facie registration of FIR discloses that a cognizance of the offence is made out as investigation has to be made out to find out the truth. Therefore, it does not meet the parameters laid down by the Supreme Court in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)***, ***M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315) & PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 Crl.L.J.817)***, the matter has to be investigated to find out the truth. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore, I find no merit and investigation has to be conducted to find out the truth.

6. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non speaking order
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V. SIVAGNANAM, J.

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To

1.The Inspector of Police,
DCB Police Station,
Tiruvallur District,
Tiruvallur.

2.The Public Prosecutor,
High Court of Madras.

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