



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P(MD)No.4170 of 2019

and

CrI.M.P(MD)No.2513 of 2019

1.Surulisamy
2.Logambal
3.Ganesh

... Petitioners/
Accused Nos.1 to 3

-vs-

1.State, rep. by Sub-Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.
(Crime No.885 of 2018).

... Respondent/Complainant

2.Balan

... Respondent/
De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to FIR in Crime No.885 of 2018, dated 03.10.2018, on the file of the respondent, the Inspector of Police, Dindigul Town North Police Station, Dindigul District and quash the same as against the petitioners.

For Petitioner : Mr.S.PRABHA
For R1 : Mr.A.Thiruvadikumar,
Additional Public Prosecutor
For R2 : Mr.J.Lawrance

ORDER

The petitioner herein, who is facing investigation in Cr.No.885 of 2018, dated 03.10.2018, is before this Court to quash the FIR.

2. The complaint dated 03.10.2018 given by one Balan, who is the defacto complainant, indicates that during the course of real estate business, Rs.50,00,000/- was lend to the first accused and when he asked for return of money, he was criminally intimidated and threatened and therefore, a complaint was lodged before the police, but it was not taken up for investigation. Hence, the petition under Section 156(3) Cr.P.C., was filed before the learned Judicial Magistrate No.II, Dindigul to investigate, register the FIR



and to file a final report and the same was ordered. Pursuant to that, the respondent police has registered the above said complaint and taken up for investigation. Alleging that there is no material to investigate, the present petition has been filed to quash the FIR.

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3. It is contended by the learned counsel for the petitioners that the first petitioner is the maternal grand-father of the defacto complainant and since there is a dispute between his mother and the petitioner, the above said complaint has been lodged and there is no material to show that the defacto complainant paid Rs.50,00,000/- to the first petitioner.

4. This Court is of the view that if at all there is no material or evidence produced by the defacto complainant in the course of investigation, the respondent police will record the same and file the final report accordingly.

5. Under Section 482 of Cr.P.C., the order of the learned Judicial Magistrate passed under Section 156(3) Cr.P.C., need not be interfered torpidoing the due process of investigation and the Hon'ble Supreme Court as well as the High Courts time and again had reiterated that FIR cannot be quashed unless and until there is no prima facie material of any criminal offence. Whereas, in this case, the complaint has made out material for investigation and the learned Judicial Magistrate being satisfied regarding the material, had directed the police to register the complaint and investigate.

6. This Court finds no reason to interfere the due process and investigation initiated by the respondent police which is pursuant to the direction passed by the learned Judicial Magistrate. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To

1.The Judicial Magistrate No.II,
Dindigul.

2.The Sub-Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-3869[F] dated 03/02/2022)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-4057[F] dated 03/02/2022)

CrI.O.P(MD)No.4170 of 2019

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