



CrI.O.P.(MD) No.13981 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.13981 of 2022
and CrI.MP(MD)No.8981 of 2022

J.Viyagappan

... Petitioner

Vs

1. The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.
Cr. No. 428/2021.

2. S.Ponraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to the impugned FIR in Crime No. 428 of 2021 on the file of R1 Police Station and quash the same as illegal as against the petitioners concerned.

For Petitioner : M/s. Aayiram K.Selvakumar

For Respondent : Mr.M.Sakthi Kumar (R1)
Government Advocate (CrI.Side)



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.428 of 2021, on the file of the first respondent Police.

2.The learned counsel for the petitioner submitted that the petitioner is the first accused in Crime No.428 of 2021, which was registered without any base. The petitioner has already gave a complaint against the third accused herein before the District Crime Branch on 16.03.2020, which was registered in Crime No. 3 of 2020 on 04.10.2018 and the same is still pending before the Judicial Magistrate No.I, Tirunelveli. Suppressing the same, the third respondent/defacto complainant has lodged this complaint. Hence, it is liable to quashed.

3.The learned Government Advocate (Crl.Side) submitted that this case has been registered as per the complaint of the third respondent on 08.10.2021, as the petitioner and two others were received Rs.1,54,70,000/-, by promising the third respondent and 20 others. There is a prima facie



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against the petitioner and other persons. Hence, prays to dismiss the petition.

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4.I considered the matter in the light of discussions adduced by both parties. Perusal of records reveal the fact that it is a case of job racketing. The petitioner and others promised to get job and got Rs.1,54,70,000/- from the third respondent/defacto complainant and 20 others, but they failed to do so. Hence, this case has been registered against the accused persons.

5.From the above, there is a prima facie against the accused persons. The allegation of commission of forgery has to be investigated and if it does not meet the parameters laid down by the ***Hon'ble Supreme Court*** in ***State of Haryana Vs Bhajanlal*** in ***AIR 1992 SC 604***, investigation cannot be stopped and investigation has to be conducted to find out the truth. I find no merits in the petition and it is liable to be quashed.



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6. Accordingly, this Criminal Original Petition stands dismissed.

However, the first respondent Police is hereby directed to complete the investigation as early. Consequently, connected miscellaneous petition is closed.

03.08.2022

Internet: Yes

Index: Yes

PNM

To

1. The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.
Cr. No. 428/2021.

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



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V.SIVAGNANAM, J.

PNM

ORDER IN
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and CrI.MP(MD)No.8981 of 2022

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