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Crl.O.P.No.14042 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.14042 of 2021

and

Crl.M.P.No.7662 of 2021

1. R.Keerthivasan
2. Srilakshmi

... Petitioners

Vs.

1. State Represented by,
The Inspector of Police,
Economic Offence Wing-II,
Chennai - 91.

2. J.Ramachandran

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the First Information Report No.4 of 2020 on the file of the first Respondent Police, EOW-II, Guindy, Chennai – 600 032.

For Petitioner : Mr.B.Lenin Balu

For Respondents :

For R1 : Mr.A.Damodaran

Additional Public Prosecutor

For R2 : No Appearance

ORDER



Crl.O.P.No.14042 of 2021

This Criminal Original Petition is filed to quash the impugned FIR as against the petitioners for the alleged offences under Sections 420 and 506(1) of IPC.

2. It is alleged in the FIR that the defacto complainant had invested in a company run by A1. The defacto complainant had invested a total sum of Rs.3.75 Lakhs. When, he approached the company to withdraw his money, the A1 abused him in filthy language.

3. Mr. B. Lenin Balu, the learned counsel for the petitioners would submit that the petitioners herein are A5 & A6 and have been falsely implicated in the impugned first information report for the alleged offences committed by the company; that their names have been mentioned in the complaint erroneously.

4. This Court had directed the first respondent to inform the defacto complainant/second respondent to appear in person on the previous hearing. However, none has entered appearance on his behalf so far.

5. Mr. A. Damodaran, the learned Additional Public Prosecutor



fairly submits that the investigation conducted so far reveals that the de facto complainant and the other investors have stated that the petitioners shown as A5 & A6 in the impugned FIR have no connection with either the petitioners or the defacto complainant.

6. This Court finds that the first respondent in the Status Report had stated that no incriminating evidence has been found against the petitioners/A5 & A6 in the investigation conducted by him. Further, the witnesses and the de facto complainant have also stated that they do not know the petitioners herein/A5 & A6. The relevant portion of the Status Report filed by the first respondent/Inspector of Police, Economic Offences Wing-II, Chennai is extracted hereunder for better understanding:

“11. It is submitted that the investigation so far conducted doesn't have any incriminating evidence against A5 & A6 except the complaints in which their name were mentioned. The de facto complainant and other investors have stated in their 161 (3) Cr.P.C statement that they do not know about A5 & A6.”



CrI.O.P.No.14042 of 2021

7. In view of the above, the FIR in so far as it relates to the petitioners is liable to be quashed. The respondent police shall conduct an enquiry as against the other accused and complete the investigation preferably within a period of six (6) months from the date of receipt of a copy of this order.

8. For all the above reasons, the impugned FIR in respect of the petitioners/A5 & A6 alone is quashed. Accordingly, the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

21.06.2023

Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No
rgm

SUNDER MOHAN, J



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Crl.O.P.No.14042 of 2021

rgm

To

1. The Inspector of Police,
Economic Offence Wing-II,
Chennai – 91.
2. The Public Prosecutor
High Court of Madras

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and
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