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Crl.O.P.No.27571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MR. JUSTICE Dr. G. JAYACHANDRAN

Crl.O.P.No.27571 of 2023

Swaminathan

... Petitioner

Vs.

1. Inspector of Police,
Cyber Crime Police Station,
Central Crime Branch,
Vepery, Chennai - 600 007.

2. Shobana Jagadish

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records and quash the FIR No. 238 of 2023 pending on the file of 1st respondent.

For Petitioner : Mr.B.Vasanthan

For Respondents : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Criminal Side)



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ORDER

This Criminal Original Petition is filed to call for records and quash the FIR No. 238 of 2023 pending on the file of 1st respondent.

2. Based on the complaint given by the one Mrs.Shobana Jagadish, the respondent Police has registered the case in Crime No.238 of 2023, dated 11.09.2023 for offence under Section 420, 417 of IPC and Section 66 of the Information Technology Act, 2008.

3. The sum and substance of the complaint is misusing the acquittance accused by name Mr.Swaminathan and another person, by name Radhika, had cheated a sum of Rs.27,42,000/- from the son of the defacto complainant who suffers from autism. On completion of investigation final report has been filed through E-filing on 28.11.2023.

4. Learned counsel appearing for the petitioner submitted that the de-facto complainant and the accused are family friends known for several years and the allegation that a fictitious person, by name Radhika, was



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introduced to the de-facto complainant for extraction of money itself is a false allegation. Soon after registration of the complaint, the de-facto complainant, her son, maternal grandfather, together had entered into a joint compromise with the accused petitioner and pursuant to that, a sum of Rs.27,42,000/- was paid back to the de-facto complainant vide demand draft dated 16.09.2023.

5. Though the said compromise was reported to the Investigating Officer, the Investigating Officer filed the final report without considering the subsequent development and joint deed of declaration in the case, wherein, the de-facto complainant had agreed to withdraw the said complaint registered in FIR No. 238 of 2023 dated 11.09.2023.

6. Learned Government Advocate, on instruction, states that this deed of declaration was not produced before the Investigating Officer before filing the final report. Had it been brought to the notice of the Investigating Officer, it would have been recorded the further statement of the witnesses would have been taken and then the Investigating Officer would have taken appropriate decision.



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7. In the light of the above facts, the petitioner and the de-facto complainant are directed appear before the Investigating Officer within seven (7) days from today (11.12.2023) to enable the Investigating Officer to conduct further investigation and file his final report preferably within a period of 30 days from the date of completion of further investigation in this matter, in the light of the new facts introduced.

8. The Investigating Officer shall conduct further investigation, record statements, and file supplementary final report based on the final report filed earlier and the supplementary final report.

9. The Trial Court shall take appropriate decision whether to take cognizance of the offence or not.

10. With these directions, this petition stands disposed off.

11.12.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

1. Inspector of Police,
Cyber Crime Police Station,
Central Crime Branch,
Vepery, Chennai - 600 007.

2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr. G. JAYACHANDRAN. J.,

(sha)

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