



Crl.O.P.No.29926 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.29926 of 2019

and

Crl.M.P.No.16162 of 2019

John Britto.A

... Petitioner/Accused

Vs.

1.State rep by

Inspector of Police

T1, Ambattur Police Station,

Duraisami St, Kamarajapuram,

Ambattur, Chennai,

Tamil Nadu 600 053.

...1st Respondent/Complainant

2.T.Uma

...2nd Respondent/Defacto Complainant



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PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.1679 of 2019 on the file of the respondent police and quash the same.

For Petitioner : Mr.R.Prabhakaran

For R1 : Mr.A.Damodaran
Additional Public Prosecutor

For R2 : No Appearance

ORDER

The petition is to quash the First Information Report for the alleged offence under Section 420 of Indian Penal Code, 1860.

2. It is alleged in the FIR that the petitioner deceived the defacto complainant by making a false promise that he would start a School in the name of defacto complainant's son and received Rs.9,50,000/- (Rupees Nine Lakhs Fifty Thousand only); that the petitioner did not take any steps to start the school and when the defacto complainant demanded the return of money, the petitioner issued a cheque for Rs. 11,00,000/- (Rupees Eleven Lakhs only) and the said cheque when presented was dishonoured.



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3. Mr.R.Prabhakaran, the learned counsel for the petitioner would submit that the entire complaint is malafide and false; that the petitioner had also given a complaint against the defacto complainant and her son. Hence, he prayed for quashing of the FIR.

4. Mr.A.Damodaran, the learned Additional Public Prosecutor submits that the points raised by the petitioner is factual in nature and has to be investigated. Hence, he prayed for dismissal of the quash petition.

5. Though notice was served on the second respondent, none has entered appearance on behalf of her.

6. This Court finds that the claim of the petitioner is that the case is false and cannot be investigated by the respondent police. This Court cannot go into a factual dispute in a quash petition. Hence, this Court is not inclined to entertain this petition.



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7. The respondent police shall conduct the investigation and file a final report within a period of two (2) months from the date of receipt of copy of this order. Accordingly, the Criminal Original Petition stands dismissed. Consequently the connected miscellaneous petition is closed.

05.06.2023

dk

Index : Yes/No

Internet: Yes/No

Speaking/Non Speaking Order

NCC: Yes/No

To

The Public Prosecutor

High Court of Madras

Chennai – 600 104.



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SUNDER MOHAN. J,
dk

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