



Crl.O.P.(MD)No.955 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.955 of 2021

and

Crl.M.P.(MD)Nos.438 & 440 of 2021

R.Sivarama Ganesh

... Petitioner

Vs.

1.The Sub-Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi,
(Crime No.11 of 2015)

2.Tamilnadu Mercantile Bank,
Prakasapuram Branch,
Represented by its Manager,
No.151, Margoschis Road,
Nazareth,
Thoothukudi District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the charge sheet filed by the first respondent in C.C.No.1546 of 2017 on the file of the Judicial Magistrate No.4, Thoothukudi.



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For Petitioner : Mr.N.Pragalathan
For R1 : Mr.M.Sakthi Kumar,
Government Advocate (CrI. Side)
For R2 : Mr.N.Dilip Kumar

ORDER

This Criminal Original Petition has been filed to quash the charge sheet filed by the first respondent in C.C.No.1546 of 2017 on the file of the Judicial Magistrate No.4, Thoothukudi.

2.According to the petitioner, the second respondent had given a false complaint and based on the same, the first respondent registered FIR in Cr.No.11 of 2015, dated 07.02.2015 for the offence under Sections 465, 467, 468, 471, 120(B), 420 IPC. After completion of investigation, the first respondent filed final report and the learned Magistrate has taken cognizance in C.C.No.1546 of 2017. The petitioner has not committed any offence as alleged in FIR. Based on the false complaint, the first respondent registered FIR and without conducting proper investigation, filed final report. Hence, the final report is liable to be quashed.



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3.The learned counsel appearing for the petitioner would contend that the based on the false complaint, the first respondent registered FIR and without conducting proper investigation, filed final report. Based on the final report, the learned Magistrate has taken cognizance in C.C. No.1546 of 2017. Hence, the final report is liable to be quashed.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent registered FIR. After investigation, since prima facie materials available against the petitioner, the first respondent filed final report and the same has been taken cognizance by the trial Court in C.C.No.1546 of 2017. At this stage, the petitioner cannot claim any prayer before this Court for quashing the charge sheet and he has to face the trial. Therefore, this petition is liable to be dismissed.

5.The learned counsel appearing for the second respondent would contend that the petitioner approached the Bank by creating forged document and availed loan. Thereafter, the Bank came to know that based on the forged document, the petitioner availed loan and thereby,



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cheated the Bank. After registration of FIR, entire amount was paid by the petitioner.

6.Heard both sides and perused the materials available in the records.

7.The main contention of the petitioner is that the offences alleged in FIR are not true and the petitioner has not committed any offence and the petitioner already paid the entire loan amount and thereby, this Court can quash the charge sheet. As per contention of the respondents, already the police enquired the matter and filed final report, since prima facie materials are available as against the petitioner to proceed further and the trial Court also has taken cognizance in C.C.No.1546 of 2017. Therefore, at this stage, the petitioner has to approach the trial Court for seeking appropriate remedy. Since the trial Court has taken cognizance, this Court need not go into further in this matter.

8.At this juncture, the learned counsel appearing for the petitioner represented that since the matter is pending from the year 2017, the trial Court may be directed to dispose of the case, within a stipulated time.



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9.Considering the nature of offence and also considering the date of FIR, it is appropriate to direct the trial Court to expedite the trial. Accordingly, the trial Court is directed to dispose of the case, as early as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

10.With the above observations and directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

18.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Judicial Magistrate No.4, Thoothukudi.

2.The Sub-Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi.

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

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P. DHANABAL,J.

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