



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

CrI.O.P.(MD) No.4750 of 2021

and

CrI.MP(MD)No.2695 of 2021

George David

...Petitioner/Accused (Sole)

Vs.

1.The State Rep by the
Inspector of Police,
District Crime Branch,
Thanjavur Police Station,
Thanjavur District.
(Crime No.7 of 2020)

... 1st Respondent/Complainant

2.K.Senthil Kumari

... 2nd Respondent/Defacto
Complainant

3.The Deputy Superintendent of Police,
District Crime Branch,
Erode.

(R3 is suo-motu impleaded as per order of this Court dated 05.04.2023 in CrI.OP(MD)No.4750 of 2021 by K.K.R.K.J)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the FIR in Crime No.7 of 2020 on the file of the first respondent police.



For Petitioner : Mr.M.P.Senthil
For R1 : Mr.M.Muthumankiiam
Government Advocate (Crl.Side)
For R2 : Mr.S.Muniyandi

ORDER

This petition has been filed to quash the FIR in Crime No.7 of 2020 on the file of the first respondent police.

2.The case of the prosecution is that the second respondent/defacto complainant is a divorcee. After getting divorce, she secondly married the petitioner herein. At the time of marriage, the petitioner assured to construct a house and a dance school for her. On such assurance given by him, the second respondent gave all her savings to the petitioner. Apart from that, the petitioner got a sale deed in his name in respect of the property stand in the name of second respondent at Coimbatore. Thereafter, she handed over a sum of Rs.10 lakhs to the petitioner for purchasing a property at Erode jointly and the same was sold with a profit of Rs.6 lakh on the basis of the assurance of the petitioner to buy a property at Thanjavur. But, he failed to purchase a property at Thanjavur. When the same was questioned by the second respondent, there was a dispute between them and he also refused to return back the gold jewels



and money to the second respondent. Hence, on the complaint given by the second respondent, a case was registered in Crime No.7 of 2020 for the alleged offence under Section 420 of IPC against the petitioner.

3.The learned counsel for the petitioner would submit that the dispute between the petitioner and the second respondent is purely civil in nature. Already, the second respondent made a very same complaint before the All Women Police Station, Erode and after enquiry, the same was closed as civil in nature. Based on the representation to the Superintendent of Police, Thanjavur, dated 30.05.2020, the respondent police registered a present case. Hence, he prayed to quash the FIR in Crime No.7 of 2020.

4.When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) would submit that on the complaint given by the second respondent against the petitioner, the first respondent police registered a case in Crime No.7 of 2020 for the alleged offence under Section 420 of IPC. After completion of investigation, final report was filed before the learned Judicial Magistrate No.I, Thanjavur, through e.filing (e.filing No.2917/2023).



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5. Since final report was filed before the concerned Court, the petitioner seeks liberty to challenge the same and hence, this Criminal Original Petition is dismissed with liberty to the petitioner to challenge the final report in the manner known to law. Consequently, the connected miscellaneous petition is closed.

28.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dss

To

1. The Inspector of Police,
District Crime Branch,
Thanjavur Police Station,
Thanjavur District.
- 2.3. The Deputy Superintendent of Police,
District Crime Branch,
Erode.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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5

K.K.RAMAKRISHNAN, J.

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