



CrI.O.P.(MD)No.8985 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.(MD)No.8985 of 2020
and CrI.M.P.(MD)No.4229 of 2020

S.Rajkumar

... Petitioner

Vs.

1.State rep by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City, Tirunelveli District.
(Crime No.441 of 2020)

2.R.Thangapandian

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in Crime No.441 of 2020 on the file of the first respondent police and quash the same so far as the petitioner is concerned.

For Petitioners : Mr.S.Ramasundarvijayaraj,
for M/S.Veera Associates

For R1 : Mr.R.M.Anbunith,
Additional Public Prosecutor

For R2 : No Appearance



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in Crime No.441 of 2020 on the file of the first respondent police as against the petitioner herein.

2.According to the petitioner, the second respondent lodged complaint before the first respondent alleging that the second respondent paid Rs.7,10,700/- on 03.06.2019 and thereafter, on 29.06.2019, he paid Rs.2,84,000/- and totally Rs.9,94,700/- paid in favour of the petitioner's company, namely, Blue Max Capital Solution Pvt. Ltd. Further alleged that on 20.06.2019, a consultation meeting was held and the petitioner and the defacto complainant also participated in the said meeting. The petitioner and other accused induced the defacto complainant to invest amount for higher interest and also assured to repay the amount at the rate of 7% interest. Believing the words of the accused, the defacto complainant deposited and thereafter, they failed to repay. Hence, the defacto complainant preferred a complaint on 09.03.2020. Since no action was taken as against the accused, the defacto complainant filed a private complaint before the learned Judicial Magistrate under Section



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156(3) Cr.P.C., and the same was forwarded to the first respondent police and thereafter, FIR was registered in Cr.No.441 of 2020 for the offences under Sections 420 r/w 120B IPC. In fact, the petitioner no way connected to the said crime. A1 & A2 are the Directors of the company and only because of the petitioner is father of A1, he has been roped into this case. Hence, the impugned FIR is liable to be quashed.

3.The learned counsel appearing for the petitioner would contend that the first respondent police registered a false case as against the petitioner. He is no way connected with the alleged crime. Even according to the complaint, all the allegations are levelled as against the company and other accused. Now, after registration of FIR, the defacto complainant and other accused in this case have settled the matter and also they entered into an agreement and based on the same, entire amount has been settled to the defacto complainant and thereby, FIR is liable to be quashed.

4.The learned Additional Public Prosecutor appearing for the first respondent would contend that already the case has been transferred to the Economic Offences Wing, Tirunelveli and this FIR and other



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connected cases were also tagged together and all cases are pending before the Economic Offences Wing, Tirunelveli. Apart from this FIR, five another FIRs are pending as against the petitioner herein. Hence, this petition is liable to be dismissed.

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

6.On perusal of records shows that the defacto complainant has given complaint before the learned Judicial Magistrate under Section 156(3) Cr.P.c., and the same was forwarded to the first respondent. Based on the same FIR was registered in Cr.No.441 of 2020 for the offences under Sections 420 r/w 120B IPC. The main contention of the learned counsel appearing for the petitioner is that the petitioner is arrayed as A3 in this case and he is no way connected with above said company. The petitioner is the father of A1 and only because of the same, he has been roped into this case and no offences are made out as against the petitioner. In the meantime, after registration of FIR, matter has been settled between the parties and the entire amount was repaid to the defacto complainant. However, the learned Additional Public



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Prosecutor appearing for the first respondent represented that already the case has been transferred to the Economic Offences Wing, Tirunelveli and now, the case is pending before them.

7.In the said circumstances, it is appropriate to direct the petitioner to approach before the Economic Offences Wing, Tirunelveli. Accordingly, the petitioner is directed to approach before the Economic Offences Wing, Tirunelveli by producing all the relevant documents. After receipt of the papers, the Economic Offences Wing, Tirunelveli has to consider the same and conduct investigation on merits and based on the records submitted by the petitioner and in accordance with law.

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

14.08.2023

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



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P. DHANABAL,J.

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- 1.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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