



Crl.O.P(MD).No.10770 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.10770 of 2021

and

Crl.M.P(MD) No.5489 of 2021

Shanmugathai

...Petitioner

Vs

1. The Inspector of Police
Economic Offences Wing -II,
Madurai City.

2.Mohan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to Crime No. 02 of 2019 on the file of the first respondent and quash the same.

For Petitioner
For R-1

: M/s.C.R.Ponnuthai
: Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.02 of 2019 on the file of the first respondent police.



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2. According to the petitioner the respondent police has registered a case in Crime No. 2 of 2021 as against the petitioner and others, based on the complaint preferred by the defacto complainant. The petitioner is the wife of the third accused and she was a non registration partner in the above limited company. The petitioner is innocent and she is not all involved in the offence and no offence has been made out as against the petitioner and she has been falsely implicated in this case. Without any proper enquiry the first respondent police registered the First Information Report on the basis of the false complaint given by the defacto complainant, hence the First Information Report is liable to be quashed.

3. The learned counsel appearing for the petitioner would contend that the second respondent herein has lodged complaint before the second respondent and First Information Report has been registered in Crime No.3 of 2021 for the offences under sections 406,420,120(B) of IPC and section 5 of Tamil Nadu Protection of Interest of Depositors(In financial Establishment) Act, 1997. This petitioner has been falsely implicated in this case, hence the First Information Report against this petitioner is liable to be quashed.



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4. The learned Additional Public Prosecutor appearing for the first respondent has submitted that already based on the complaint given by the second respondent First Information Report has been registered and thereafter so many depositors were examined in this case. Based on the investigation charge sheet has been filed and the same was taken on file by the trial Court on 15.02.2023, as *prima facie* is made out as against the petitioner and others. Since the first respondent has filed the final report the petitioner has to approach the trial court and seek her remedy before the trial Court.

5. Heard both sides and perused the materials available on record.

6. On perusal of the record, it is observed that the first respondent has registered the First Information Report based on the complaint given by the defacto complainant in Crime No.02 of 2021 and thereafter the matter was elaborately investigated by the first respondent and thereafter the first respondent filed the final report before the lower court as *prima facie case* is made out. At this stage when the respondent police have filed the final report, the petitioner can approach the trial court for appropriate remedy and further there is no grounds available to invoke the inherent powers of this Court under Section 482 of Cr.P.C. Further the offences are grave in nature



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and thereby elaborate trial is required in this case. All the grounds raised by the petitioner in this petition can to be raised before the trial Court at the time of trial as defence if trial is ordered by the trial court. Therefore as stated supra, this petition is liable to be dismissed.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petition is closed.

13.07.2023

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

1. The Inspector of Police
Economic Offences Wing -II,
Madurai City.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai



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P. DHANABAL,J.

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