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Crl.O.P.(MD)No.13722 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.13722 of 2023

and

Crl.M.P.(MD).No.10717 of 2023

1.Chellam @ Cellam

2.Karthigaisamy

... Petitioners

Vs.

1.The Inspector of Police,
Parthipanoor Police Station,
Ramanathapuram District.
In Crime No.105 of 2023

2.Muniyasamy

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to quash the above said FIR pending in Crime No.105 of 2023 on the file of the Sub Inspector of Police, Parthipanoor Police Station, Ramanathapuram District.

For Petitioners : Mr.R.Babu Jaganath

For R-1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

This petition is filed seeking for quashment of FIR in Crime No.105 of 2023 on the file of the first respondent registered for the offences under Sections 447 and 506 (i) of I.P.C.

2. It is submitted by learned counsel for the petitioners that on a complaint given by the *defacto* complainant, a case has been registered against the accused for the offences under Sections 447 and 506 (i) of I.P.C., on 29.05.2023 and issued F.I.R in Crime No.105 of 2023. It is submitted that the petitioners / Accused Nos.1 and 2 are innocents and have never involved in the offence and registration of FIR against the petitioners is the abuse of process of law. It is also submitted that on account of political rivalry, a false case has been foisted against them.

3. One of the grounds, on which, the petitioners seeking quashment of F.I.R. is that the *defacto* complainant is a retired Sub Inspector of Police and his daughter by name, Anitha, is working in Australia and that the said *defacto* complainant has collected money from many persons by informing them that he will get jobs to their family members in Australia with the help of his daughter. It is also alleged



that the *defacto* complainant has demanded Rs.6,00,000/- (Rupees Six Lakhs only) for getting employment to the son of the petitioner No.2. Accordingly, he paid Rs.2,00,000/- (Rupees Two Lakhs only) on 30.08.2018 and Rs.1,00,000/- (Rupees One Lakh only) on 17.12.2018 and Rs.50,000/-, (Rupees FiftyThousand only) in all, thereby, paid Rs.3,50,000/- (Rupees Three Lakhs only). However, the *defacto* complainant has failed to provide job to the son of the petitioner No.2 and has also failed to return money and when the petitioners have demanded the money to the *defacto* complainant, a false case has been foisted.

4. Learned Additional Public Prosecutor, on the other hand, submits that, investigation is going on and that there are serious allegations against the petitioners which cannot be decided in this petition under 482 Cr.P.C.

5. On considering the rival contentions and on perusal of records, it is clear that this petition is filed seeking for quashment of F.I.R., which is filed under Sections 447 and 506 (i) of I.P.C. Basing on the submissions made by the learned counsel for the petitioners, it is clear that the *defacto* complainant himself has allegedly taken money



from the petitioners to the tune of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) under the guise that he will provide job to the son of the second petitioner and according to the petitioner, the registration of Crime No.105 of 2023 is counter place to the allegations against respondent No.2 / *defacto* complainant. Whether there is a truth or otherwise in the allegations levelled by the *defacto* complainant against the petitioners will have to be decided by the trial Court. In order to quash of F.I.R, the petitioners are required to demonstrate that even if the contents of the F.I.R. are accepted to be true, still, there should not have been any case against the petitioners. But according to the petitioners, there are certain allegations against the petitioners. Therefore, basing on the submissions made by the petitioners, F.I.R., cannot be quashed. In respect of investigation, the petitioners have expressed apprehension that there will be a biased investigation, as the *defacto* complainant is a retired Sub Inspector of Police.

6. Considering the circumstances, this Criminal Original Petition is disposed of, directing respondent No.1 / Police to complete the investigation as expeditiously as possible without taking under the influence of the *defacto* complainant, who is a retired Sub Inspector of Police. The Superintendent of Police, Ramathapuram District, is directed



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to supervise the investigation being done by respondent No.1 as it is alleged that the respondent No.1 is under the influence of respondent No. 2, the retired Police Officer. Consequently, the connected miscellaneous petition is closed.

01.08.2023

NCC: Yes/No
Index : Yes/No
Internet : Yes/No
tsg

To

- 1.The Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Parthipanoor Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

tsg

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