



Crl.O.P(MD).No.18158 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.18158 of 2019

and

Crl.M.P(MD) Nos.10688 and 10689 of 2019

1. T.Selvam

2. Senthamilmurugan

...Petitioners

Vs

1. The Inspector of Police
Srivilliputhur Town Police Station,
Virudhunagar District.

2.B. Ramesh Babu

...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 the S.T.C.No.135 of 2019 on the file of the learned Judicial Magistrate No.II, Srivilliputhur and quash the same as illegal.

For Petitioners : Mr.C.Senthil Murugan

For R-1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

For R-2 : Mr.M.Murugesan



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in S.T.C. No.135 of 2019 on the file of the learned Judicial Magistrate No.II, Srivilliputhur.

2. According to the petitioners the first respondent herein has registered a case in Crime No.316 of 2015 against these petitioners and others for offences under Sections 294(b) and 506(i) of IPC on 05.05.2015 based on the complaint given by the second respondent/defacto complainant. After completing investigation the first respondent filed charge sheet and the same was taken on file in S.T.C. No.135 of 2019 by the learned Judicial Magistrate No.II, Srivilliputhur.

3. As per the case of prosecution, the first petitioner served as computer operator in the first respondent station. The second petitioner who is the brother of the first petitioner had approached the second respondent in the year 2012 and borrowed a sum of Rs.90,000/-. Since the first petitioner was was facing departmental action he assured that the amount will be paid within a period of three months. Since he failed to repay the said amount, the second respondent demanded for repayment of money. Therefore sum of Rs.25,000/- was re-paid to the second respondent herein. While the



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facts are being so, on 25.12.2014 at about 8.00 pm., the second respondent was abused and criminally intimidated by the petitioners, hence he lodged complaint before the first respondent on 05.05.2015. In fact these petitioners have been falsely implicated in this case with *malafide* intention and in order to wreck vengeance the first respondent has registered the case without ascertaining the truth. Further without *prima facie* case the first respondent police filed final report before the learned Judicial Magistrate, Srivilliputhur and the same was taken on file in S.T.C. No.135 of 2019, hence the petition is liable to be quashed.

4. The learned counsel appearing for the petitioners contended that the second respondent has lodged a false complaint against the petitioners and first respondent has also registered the First Information Report in Crime No.316 of 2015 for the offences under section 294(b) and 506(i) of IPC. There is a money dispute between the petitioner and the second respondent and in order to settle the dispute the second respondent had given a false complaint, hence the criminal proceedings in liable to be quashed.

5. The learned counsel appearing for the second respondent/defacto complainant would submit that the petitioners have borrowed money from the second respondent and failed to re-pay the



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same, thereby when the second respondent asked to repay the money the petitioners abused him in filthy language and caused criminal intimidation, hence he gave complaint before the first respondent and the first respondent registered the First Information Report. Thereafter the first respondent conducted investigation and filed final report, thereafter since *prime facie* materials are available the learned Magistrate had taken the case on file in S.T.C. No.135 of 2019, hence the petition is liable to be dismissed.

6. The learned Government Advocate(Crl.Side) appearing for the first respondent contended that based on the complaint given by the second respondent the first respondent registered the First Information Report. Thereafter investigated the case and examined the witnesses. After finding *prima facie* materials filed final report as against the accused persons STC No.135 of 2019, therefore the petition is liable to be dismissed.

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

8. On perusal of the record it is observed that already there is a dispute between the parties with regard to the money transaction. The first respondent based on the complaint given by the second



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respondent registered First Information Report and investigated the case and filed final report. As per the respondents, *prima facie* materials available to prosecute with the case and thereby the learned Magistrate has taken the case on file in S.T.C. No.135 of 2019. Since charge sheet was already filed, after elaborate investigation and also considering the nature of charges levelled as against the petitioner and there are no *prima facie* materials available to invoke the inherent power of this Court under Section 482 of Cr.P.C., to quash the proceedings and hence the petition has no merits and it is liable to be dismissed.

9. Accordingly this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are closed. However the petitioners are at liberty to agitate all the grounds raised in this petition as defence before the trial Court.

14.07.2023

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

1. The Judicial Magistrate No.II, Srivilliputhur
2. The Inspector of Police
Srivilliputhur Town Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J.

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