



Crl.O.P.No.8104 of 2024 & Crl.M.P.No.5900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8104 of 2024
& Crl.M.P.No.5900 of 2024

L.Venakatesan @ Venkatasubramaniam,

... Petitioner/Accused 1

/versus/

1. The State Represented by

The Inspector of Police,

K-5 Police Station,

Peravallur, Chennai – 600 082.

... 1st respondent/Complainant

2. M.S.Senguttuvan.

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the 1st respondent in Crime No.139 of 2023 dated 15.06.2023 on the file of the 1st respondent and quash the same against the petitioner/accused No.1.

For Petitioner : Mr.A.Thiruvilankumar

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

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The F.I.R in Crime No.139 of 2023 dated 15.06.2023 is sought to be quashed by one of the named accused on the ground that the reading of the complaint does not disclose any cognizable offence committed by the petitioner herein. The F.I.R, as such indicates that a sum of Rs.3,41,000/- being collected from 22 persons on the promise that they will arrange for Singapore and Malaysia tour. The travel agent owner Thiru.Venkatesan is the petitioner herein. As per the complaint, the petitioner and his staff Murugaraj directed the defacto complainant to contact one Rajishree and the money was paid in the account of Murugaraj and also by cash.

2. The respondent police has registered a case for the offences under Section 406 and 420 of I.P.C.

3. The Learned Counsel appearing for the petitioner states that the money was not paid to him and even according to the complaint, on the direction of Murugaraj, the money was paid only to Ms.Rajishree. However, the Government Advocate (Crl.Side) for the 1st respondent submits that investigation



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indicates that after collecting money to a tune of Rs.3,41,000/-, the defacto complainant and others were given fake flight ticket and when the 22 customers of the petitioner went to Singapore and for return, when they presented the return ticket at Singapore Airlines counter in the Airport, 19 tickets were found to be fake and in this connection, the investigation is underway.

4. In the light of the above fact, this Court is of the view that the respondent police is directed to complete the investigation and file final report. It is not a case to quash the F.I.R, since cognizable offence is *prima facie* made out. The Learned Government Advocate (Crl.Side) states that one of the accused is still absconding and that is the reason for delay in filing the final report. If it is so, the Investigating Officer should make all efforts to secure the absconding accused, even otherwise final report has to be filed showing that accused has absconding. So that, the remaining accused will know the fate of the complaint registered against them and take appropriate legal reports.



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5. With this observation, this Criminal Original Petition is disposed of.

Consequently, connected Miscellaneous Petition is closed.

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Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking Order

bsm

Copy to:-

1. The Inspector of Police,
K-5 Police Station,
Peravallur, Chennai – 600 082.



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DR.G.JAYACHANDRAN, J.

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