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Crl.O.P.No.8124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.8124 of 2024

and

Crl.M.P.No.5912 of 2024

1.Sangeeth
2.Tamilselvi
3.Suresh
4.Harinandhini
5.Priyanka

... Petitioners

Vs.

1.The State Rep.by
The Inspector of Police,
District Crime Branch,
Erode District.

2.Yuthe

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records in Crime No.11 of 2023 dated 13.10.2023, on the file of the 1st respondent police station and quash the same as illegal, in competent.

For Petitioners : Mr.Sunny Sheer
for Ms.Srimathi V.

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioners are the named accused in Crime No.11 of 2023 registered on 13.10.2023 for the offences under Sections 120 B, 420, 468, 471 & 506(i) IPC.

2. The learned counsel appearing for the petitioners submits that the complaint is a motivated complaint and attempt to settle the score with her ex husband and family members, these petitioners were roped in only because they are family members of the complainant's husband, also referring about the pendency of the Family Court for divorce in F.C.O.P.No.43 of 2021 pending on the file of Family Court, below. The petitioners submit that the family dispute had given a criminal colour as if the defacto complainant been forced to sign resignation letter and the signatures of her has been forged. Therefore, prayed for quash of the FIR.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police states that for the offences under Sections 120 B, 420, 468, 471 & 506(i) IPC is under investigation and the complaint disclosed the role of these petitioners in the alleged offences. Further the



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disputed document has been sent for opinion by the experts and the report is awaited. Since the offences under Section 120 (b) IPC been under investigation, the FIR not been quashed at this stage, when there is a prima facie case made out for the alleged offence.

4. After considering the rival submissions and on perusal of the records, this Court is of the view that the FIR, which is under investigation, cannot be quashed for the reason stated that those are matter of facts which has to be decided in the trial only. In any event only after completion of investigation and filing of final report, the exact incriminating material available against the petitioners will be brought to light. Therefore, complying the parameters laid down by the Hon'ble Supreme Court in *M/s.Neeharika Infrastructure Private Limited* case, this Court holds that this case does not fall within the parameter which warrants to quash the FIR pending investigation.

Dr.G.JAYACHANDRAN,J.

rpl

5. Hence, this Criminal Original Petition is disposed of.



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Consequently, the connected Criminal Miscellaneous Petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
District Crime Branch,
Erode, Erode District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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