



Crl.O.P.No.9188 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9188 of 2022

and

Crl.M.P.No.5330 of 2022

M/s. Dhanalakshmi Srinivasan Chit
Funds (Pvt.) Ltd. Co.,
rep. by its Branch Manager Foreman,
K.Muruganandham

... Petitioner

Versus

1. State rep. by
The Inspector of Police,
Grand Bazar Police Station,
Puducherry.
(Crime No.0072 of 2022)

2. V.Subramanian

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings as against the petitioner in Crime No.0072 of 2022 pending on the file of the 1st respondent.



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For Petitioner : Mr.M.Mohamed Riyaz
For Respondents : Mr.K.S.Mohandoss,
Public Prosecutor (Pudy.)
assisted by Ms.N.Danalatchumy
for R1

No appearance for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.0072 of 2022 on the file of 1st respondent police.

2. Heard both sides.

3. Totally, there are four accused, in which the petitioner is ranked as A3 in the F.I.R. in Crime No.0072 of 2022 registered for an offence under Sec.418, 420, 468, 467, 471, 472 r/w 34 of I.P.C. based on the complaint given by the 2nd respondent/defacto complainant Subramanian.

4. According to the 2nd respondent/defacto complainant, he is a retired police constable in the year of 2017. He borrowed a loan from one A.K.Venkatesa Perumal for family purpose and the said Venkatesa Perumal obtained four cheques along with his aadhar card, identity card,



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voter identity card and he has agreed to return the same within a short period, but he has not handed over the cheques and other documents nor he gave the loan amount. Subsequently, he came to know that all those documents were abused by the said A.K.Venkatesa Perumal colluding with other accused including this petitioner and they have created a document as if he has also stood as a guarantor in the chit subscribed by one Sujatha. Thereafter, he has received a notice in the year of 2017, then only he came to know all these facts. Subsequently, he came to know that his signature was fabricated and a loan borrowed by Venkatesa Perumal was settled with Dhanalakshmi Srinivasan Chit Fund Pvt. Ltd., though he is not a party to the loan transaction, however, his documents were fabricated by all the accused including the petitioner. Therefore, the F.I.R. was lodged for an offence punishable under Sec. 418, 420, 468, 467, 471, 472 r/w 34 of I.P.C. Now, the petitioner/A3 filed this petition praying to quash the F.I.R. lodged against them.

5. The learned counsel for petitioner would submit that based upon a frivolous complaint, he has been falsely implicated in this case. In fact, there was a transaction of borrowal of loan made by A1, A2 and A4, in



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which the 2nd respondent/defacto complainant was a guarantor and that loan was also settled in the year of 2017 itself. To that effect, the statement was also produced by the petitioner, which reveals that loan borrowed by the petitioner is settled. So, as on date, there is no money dispute between the parties. Hence, he prayed to quash the F.I.R.

6. By way of reply, the learned Government Advocate (Crl. Side) appearing for 1st respondent raised objections stating that the documents belong to the 2nd respondent/defacto complainant was fabricated and misused by accused as if he stood as a guarantor and his signature was also fabricated. Hence, it needs detailed investigation and prayed to dismiss this petition.

7. On perusal of entire facts, it reveals that the 2nd respondent/defacto complainant is a retired police constable and he received a notice in the year of 2017, but in the year of 2022, after lapse of five years, with an ulterior motive, he has lodged a complaint and the impugned F.I.R. was registered. However, as on date, there is no transaction between the 2nd respondent and the accused. Hence, the F.I.R. lodged initiated against the petitioner is liable to be quashed as there is



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no prima facie materials against it. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner in F.I.R. in Crime No.0072 of 2022 is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
rpp

To

1. The Inspector of Police,
Grand Bazar Police Station,
Puducherry.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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