



WEB COPY



Crl.O.P.No.13081 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13081 of 2024

and

Crl.M.P.No.7992 of 2024

1.R.Munirathinam

2.M.Raja

... Petitioners

Vs.

1.State rep.by

The Inspector of Police,

District Crime Branch,

Dharmapuri District.

(CrimeNo.5 of 2024)

2.G.Vasanthakumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the entire records in Crime No.5 of 2024 from the file of the 1st respondent quash the same.

For Petitioners : Mr.D.Shivakumaran

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

For R2 : Mr.G.Harihara Arun Somasankar
for V.Deepanraj Krishna



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ORDER

WEB COPY This Criminal Original Petition is filed to quash the First Information Report registered on 21.05.2021 for the alleged offence under Sections 406, 465, 467, 468, 471, 420 & 506(i) IPC. The complaint is against 15 persons and substantially centers around the contract, payment of money, issuance of cheque to discharge the debt, dishonouring the cheque amounting to breach of trust and cheating.

2. The learned counsel appearing for the petitioners submitted that it is a case of malicious prosecution converting civil dispute into a criminal case and also abuse of process of law by making several complaints touching upon the same transactions.

3. This Court is of the view that the respondent police in the wisdom has entertained the complaint, registered and taken up for investigation. Investigation is under nascent stage. Whatever material in defence available with the petitioner or any other accused, it is always open to them to place it before the Investigating Officer. Filing a petition under Section 482 Cr.P.C., to quash the FIR, which is under



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investigation and nascent stage is not suitable to entertain and deserves to be dismissed at thrushold. Allowing the police to investigate in the manner known to law as well as the accused to participate in the investigation and provide materials available with them.

4. The learned counsel appearing for the defacto complainant intervene and states that already one of the accused has moved a bail petition and same is pending.

5. It is made clear that the observation made in this quash petition shall not any way influence the Court, which deals with the bail or anticipatory bail petition. With this observation, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

04.06.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl



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CrI.O.P.No.13081 of 2024

Dr.G.JAYACHANDRAN,J.

rpl

To

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

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

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