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Crl.O.P.No.32088 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.32088 of 2022

and

Crl.M.P.No.19746 of 2022

Kumaran @ Rajesh

... Petitioner

Vs.

1.State rep. By

The Inspector of Police,
District Crime Branch,
Thiruvallur.
(Crime No.60 of 2022)

2. Dr.M.Ravichandran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records and to quash the FIR in Crime No.60 of 2022
pending investigation on the file of the 1st respondent.

For Petitioner	: Mr.M.Aswin
For R1	: Mr.S.Vinoth Kumar Govt. Advocate (Crl.Side)
For R2	: Mr.R.Chandrasekaran



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ORDER

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The petitioner has filed this petition to quash the FIR in Crime No.60 of 2022 pending investigation on the file of the 1st respondent, for the offences punishable under Sections 406, 420, 506(i) of IPC, as against the petitioner.

2. The case of the prosecution is that the defacto complainant is a Doctor and he is running a Hospital with his wife, and both are doing service to the General Public in the locality. The defacto complainant has two daughters, who have completed MBBS and they are serving as Doctors. The petitioner approached the defacto complainant and gave a false promise that he will get PG seat for the defacto complainant's daughters and instigated the complainant and received a sum of Rs.1,18,53,500/-. The petitioner neither got the PG seat, nor returned the money to the defacto complainant. When the defacto complainant demanded to return the money, the petitioner has threatened him with dire consequences. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that as a counter blast, the petitioner has given a complaint against the defacto complainant in Crime No.61 of 2020, for the offences under Sections 294(b), 506(i) of IPC, read with 3, 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act. Hence, he prayed to quash the proceedings against him.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the petitioner has obtained money of a sum of Rs.1,18,53,500/- from the 2nd respondent by promising to get medical seat for his daughters, but he neither got the MD seat nor returned the money and when the 2nd respondent demanded the money back, the petitioner has threatened him with dire consequences. Based on the complainant lodged by the defacto complainant, FIR has been registered in Crime No.60 of 2022, for the offences under sections 406, 420, 506(i) of IPC and counter complaint is also given by the petitioner in Crime No.61 of 2022 against the defacto complainant. He further submitted that the investigation is only at preliminary stage and it needs a detailed investigation. Hence, he opposed to



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quash the proceedings in Crime No.61 of 2022 at FIR stage.

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5. Considering the facts and circumstances and already there is a case in counter given by the petitioner in Crime No.61 of 2022, and it is a civil in nature, this Court is inclined to quash the proceeding against the FIR in Crime No.60 of 2022 on the file of the 1st respondent.

6. Accordingly, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petition is closed.

01.02.2024

Speaking order : Yes/No
Index: Yes/ No
Neutral Citation: Yes/No
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To

- 1.The Inspector of Police,
District Crime Branch,
Thiruvallur. (Crime No.60 of 2022)
- 2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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