



CrI.O.P.(MD) No.4718 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4718 of 2024

and

CRL.M.P (MD) No.3686 of 2024

Shameena Mushira

... Petitioner

Vs

**1.The State represented by
The Inspector of Police,
City Crime Branch,
Trichy,
Trichy District.
Cr.No.2/2024.**

2.Mohamed Rafiq

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the call for the entire records pertaining to the



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First Information Report in Crime No.2 of 2024 on the file of the first respondent police and quash the same as against this petitioner.

For Petitioner : Mr.A.Arul Jenifer

For R1 : Mr.M.Sakthi Kumar,

Government Advocate (Crl. side)

ORDER

The accused in Crime No.2 of 2024 has filed this application to quash the FIR pending against him.

2.The case of the prosecution is that in order to develop business the defacto compliant has invested huge amount with Accused No.1 and made him as one of the Directors for promoting Hotel business vide Agreement Deed dated 18.04.2022. Later accused along with few others cheated the defacto complainant and as such the defacto complainant lost a sum of Rs.6.10 crores. Hence the case was registered.



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3.The learned Counsel for the petitioner submits that there is no direct business transaction or business agreement between the petitioner and the defacto complainant as such impugned FIR is liable to be set aside. The first respondent police failed to see that already civil dispute pertaining to the very same allegation is pending between the Accused No.1 and the defacto complainant in O.S.No.588 of 2023 on the file of the Principal District Munsif Court, Trichy.

4.The learned Government Advocate (Criminal Side) submits that the case was registered only on 07.01.2024 and it is a matter for investigation.

5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by this petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is



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nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

7.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8.Therefore, this Writ Petition is closed with liberty to the investigating officer to conduct an investigation by considering the points raised in this application, during the course of investigation and



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shall conclude the investigation within a period of six months either by filing final report or with a closure report. Consequently, the connected miscellaneous petition is closed.

02.04.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No
RM

To

1.The Inspector of Police,
City Crime Branch,
Trichy,
Trichy District.

2 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

RM

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