



Crl.O.P.(MD)Nos.3161 and 4672 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)Nos.3161 and 4672 of 2022
and
Crl.M.P.(MD)Nos.2364 and 3297 of 2022

1.Bhuvaneswari @ Bhuvana	... Petitioner/A2 in Crl.O.P.(MD)No.3161 of 2022
2.Ramkumar	... Petitioner/A1 in Crl.O.P.(MD)No.4672 of 2022

Vs.

1.The State Rep. by The Sub-Inspector of Police, Tallakulam Police Station (Crime), Madurai City, Madurai. (Crime No.1515 of 2021)	... 1 st Respondent/Complainant in both petitions
2.Niran	... 2 nd Respondent/Defacto Complainant in both petitions

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.1515 of 2021 on the file of the first respondent police and quash the same as illegal insofar as the petitioners are concerned.



Crl.O.P.(MD)Nos.3161 and 4672 of 2022

In both petitions:

For Petitioner : Mr.J.Karthikeyan
For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.
For R2 : Mr.C.Muthusaravanan

COMMON ORDER

These Criminal Original Petitions have been filed to quash the impugned FIR in Crime No.1515 of 2021 on the file of the first respondent.

2.The case of the prosecution is that the second petitioner/A1 and the defacto complainant are friends. The defacto complainant handed over the bike to A1 and claimed that he paid several amounts to A1, but the said amount was not repaid and the vehicle was not returned. Further, it is alleged that the petitioners abused the defacto complainant in filthy language. Thereby, the defacto complainant made a complaint before the first respondent police. Based on which, the first respondent police registered a case in crime No.1515 of 2021 against the petitioners for the offences under Sections 406 and 420 of IPC. Challenging the same, the present petitions are filed.



3.The learned counsel appearing for the petitioners would submit there are some allegations made against the second petitioner/A1. The first petitioner is a housewife and she did not commit any offence as alleged by the prosecution and she is an innocent person and however, the first respondent police registered a case against the first petitioner, which is not sustainable one. On the sole ground, the petitioners have filed these petitions before this Court.

4.The learned counsel for the defacto complainant would submit that the petitioners are family friends of the defacto complainant and they approached the defacto complainant and stated that they suffered a loss and in order to get over the situation, they borrowed money as a hand loan on several times through bank transactions. Thereafter, the second petitioner induced the defacto complainant to give him his two wheeler by giving assurance that he would hand over the bike, whenever, he asked. Thereby, the defacto complainant demanded the bike, but the second petitioner refused to give him and abused him in filthy language and also gave a life threat to him. Thereby, the defacto complainant made a complaint before the first respondent police. Pursuant to which, the



Crl.O.P.(MD)Nos.3161 and 4672 of 2022

bike was recovered. But the amount was not repaid and all those issues were matters for investigation, hence, the first respondent police has to conduct the investigation in the manner known to law. Hence, she prayed for dismissal of this petition.

5.The learned Additional Public Prosecutor appearing for the first respondent would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

6.On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped in the petitioners, it is needless to state that action against them should be dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*. The first



Crl.O.P.(MD)Nos.3161 and 4672 of 2022

respondent police is directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.

7.In the result, these criminal original petitions are dismissed.
Consequently, connected miscellaneous petitions are closed.

23.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Sji

To

- 1.The Sub-Inspector of Police,
Tallakulam Police Station (Crime),
Madurai City, Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)Nos.3161 and 4672 of 2022

M.DHANDAPANI,J.

Sji

Crl.O.P.(MD)Nos.3161 and 4672 of 2022

23.02.2024