



Crl.O.P.(MD) No.3544 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.3544 of 2024

and

CRL.M.P (MD) No.2805 of 2024

D.Stalin Kumar,

... Petitioner

Vs

The State represented by
1. The Inspector of Police,
Thuckalay Police Station,
Kanniyakumari District.
Crime No. 16 of 2024.

2. J.Helen,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records in relating to the impugned FIR in Crime No.16 of 2024 on the file of the Respondent No.1 dated 04.01.2024 and to quash the same as against this Petitioner as illegal

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. side)



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ORDER

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The accused in Crime No.16 of 2024 has filed this application to quash the FIR pending against him.

2.The case of the prosecution is that the accused have promised the defacto complainant to secure a government job and demanded a sum of Rs. 15,00,000/-. On believing the same, the defacto complainant also gave the said amount to the accused. But they have failed to secure a Government job and also didn't return the said amount to the defacto complainant. On questioning the same, the accused have threatened the defacto complainant with dire consequences. Hence the case.

3.The learned Counsel for the petitioner submits that the FIR does not disclose any offence as against the petitioner. Since there is no averment in the FIR that the petitioner has induced the defacto complainant to pay the said amount, the offence under Section 420 IPC will not attract against him. Therefore, the FIR is liable to be quashed as against the petitioner.



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4.The learned Government Advocate (Criminal Side) submits that the case was registered only on 04.01.2024 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 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.



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8. Therefore, this petition is dismissed with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the investigation as expeditiously as possible either by filing final report or with a closure report. Consequently, the connected miscellaneous petition is closed.

17.04.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

LR

To

1. The Inspector of Police,
Thuckalay Police Station,
Kanniyakumari District.

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



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B.PUGALENDHI, J.

LR

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