



Crl.O.P.(MD)No.3373 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.3373 of 2024

and

Crl.M.P.(MD)No.2685 of 2024

Ponvel

... Petitioner/Accused

Vs.

1.The State Rep. by
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
Crime No.464 of 2021

2.Arumugam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records relating to the impugned FIR in Crime No.464 of 2021 pending on the file of the first respondent police and quash the same insofar as the petitioner concern.

For Petitioner : Mr.S.Vishnuvardhan

For R-1 : Mr.P.Kottaichamy
Government Advocate (Crl. Side)



WEB COPY



CrI.O.P.(MD)No.3373 of 2024

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.464 of 2021, pending on the file of the first respondent police.

2.The petitioner is an accused in Crime No.464 of 2021 for the offences under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 506(i) of IPC.

3.The case of the petitioner is that the defacto complainant has given a cheque on 08.09.2021 in bearing No.145862. The petitioner, after issuing a notice under the Negotiable Instruments Act, has also filed a complaint under Section 138 of N.I. Act before the learned Judicial Magistrate in C.C.No.40 of 2022 and the defacto complainant has also been convicted in the said cheque case and therefore, according to the learned counsel for the petitioner, the defacto complainant filed a false case against the petitioner.



Crl.O.P.(MD)No.3373 of 2024

4.The learned Government Advocate (Crl. side) submits that the cheque case was filed only in the year 2021 and they have also examined four witnesses and they have yet to complete the investigation.

5.This court considered the rival submissions made.

6.The defacto complainant has lodged a complaint in the year 2021 with a serious allegation of demand of exorbitant interest. Though the first respondent police has registered the case in the year 2021, they have not filed the final report. In the meantime, the accused has filed a private complaint under Section 138 of the Negotiable Instruments Act and also got an order. This Court is not in a position to appreciate the delay in filing the final report in the present case.

7.Therefore, this Court directs the Superintendent of Police, Thoothukudi District, to transfer the investigation in Crime No.464 of 2021 from the file of the first respondent police to any sincere officer, within a period of four weeks from the date of receipt of a copy of this order. The new Investigation Officer shall conduct an investigation in a fair manner by considering the plea raised in this petition and also to find



Crl.O.P.(MD)No.3373 of 2024

out the truth. The process of investigation is to find out the truth. This Court expects that a fair investigation will be conducted by the new Investigation Officer.

8.With the above directions, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

03.04.2024

sjj
NCC : Yes / No
Index : Yes / No
Internet : Yes / No

To

- 1.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Superintendent of Police,
Thoothukudi District.



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CrI.O.P.(MD)No.3373 of 2024

B.PUGALENDHI, J.

sjl

CrI.O.P.(MD)No.3373 of 2024

03.04.2024