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CrI.O.P.(MD) No.5286 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5286 of 2024

and

CRL.M.P (MD) No.4140 of 2024

1. Karthick,

2. Saranya,

3. Balamurugan,

... Petitioners

Vs

1.The State represented by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.10 of 2023).

2. Veil Manickam,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to pass an order to call for the records for the First Information Report in Crime No.10 of 2023 dated 25.02.2023 on the file of the first Respondent Police and Quash the same as illegal and devoid of merits as against the petitioner.



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For Petitioners : Mr.A.Uthayakumar
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The accused in Crime No. 10 of 2023 has filed this application to quash the FIR pending against them.

2.The case of the prosecution is that the petitioners had fraudulently purchased tractors for their customers by availing loan from the second respondent company. Hence the case has been registered.

3.The learned Counsel for the petitioners submits that only based on the confession statement given by the Accused Nos.7 and 8, the petitioners were implicated in this case. Except the confession statement, there is no other material to implicate the petitioners. Therefore, the FIR in Crime No. 10 of 2023 is liable to be quashed.



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4.The learned Additional Public Prosecutor submits that the case was registered on 25.02.2023 and it is a matter for investigation. Therefore, he objects to quash the FIR in Crime No.10 of 2023, on the file of the respondent police.

5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by the petitioners 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 the petitioners 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



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including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

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 within a period of four months either by filing final report or with a closure report.

9. Consequently, the connected miscellaneous petition is closed.

05.04.2024

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

LR

To
1. The Inspector of Police,
District Crime Branch,
Theni District.

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



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B.PUGALENDHI, J.

LR

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