



Crl.O.P.(MD) No.5996 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5996 of 2024

and

CRL.M.P(MD).No.4498 of 2024

Kalidoss

...Petitioner

Vs

**1.The State represented by
The Inspector of Police,
Sengottai Police Station,
Tenkasi District.
(Cr.No.78 of 2024)**

2.Pitchammal Swamy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned First Information Report in Crime No.78 of 2024 on the file of the 1st respondent police station and quash the same.

For Petitioner : Mr.R.Karunanidhi

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



CrI.O.P.(MD) No.5996 of 2024

ORDER

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The accused in Crime No.78 of 2024 has filed this application to quash the FIR pending against him.

2.The case of the prosecution is that the petitioner and the defacto complainant are relatives. The de-facto complainant's son is working in abroad and he has sent a sum of Rs.12,00,000/- for the purpose of purchasing a car for the de-facto complainant. The de-facto complainant due to her old age, depended upon the petitioner for purchasing the car. However, the petitioner has purchased the car in his name instead of de-facto complainant's name, for which the de-facto complainant lodged a compliant as against the petitioner. Based on the complaint, an FIR has been registered in Crime No.78 of 2024 for the offence punishable under Section 406, 420 and 506(2) of IPC.

3.The learned Counsel for the petitioner submitted that the alleged amount which has been sent to the petitioner, is only a business transaction between the de-facto complainant and the petitioner. Also, he submitted



CrI.O.P.(MD) No.5996 of 2024

that the complaint has been foisted against the petitioner after seven years.

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4.The learned Government Advocate (Criminal Side) submits that the case was registered only on 16.03.2024 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 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



CrI.O.P.(MD) No.5996 of 2024

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

8. Therefore, this petition is disposed of with a direction to the Investigating Officer to ascertain that the bank transaction, if any, is a source of income for purchasing a car at that relevant point of time and to take a call whether the de-facto complainant has been cheated by the petitioner or it is a business transaction and 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.

24.04.2024

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

jbr



CrI.O.P.(MD) No.5996 of 2024

To

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



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Crl.O.P.(MD) No.5996 of 2024

B.PUGALENDHI, J.

jbr

CRL.O.P (MD) No.5996 of 2024
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CRL.M.P(MD).No.4498 of 2024

24.04.2024