



CrI.O.P.(MD) No.6812 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.6812 of 2024

and

CrI.M.P.(MD)No.5218 of 2024

Yogendran

... Petitioner

Vs

**1. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.
(Crime No. 151 of 2023)**

2. Yegiyandarayanan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to FIR in Crime No. 151 of 2023 dt. 29.05.2023 on the file of the 1st respondent police and quash the same as against the petitioner.

For Petitioner : Mr. Chamundi Bose

**For R1 : Mr.B.Thanga Aravindh
Government Advocate (CrI. Side)**



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ORDER

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The accused in Crime No.151 of 2023 has filed this application to quash the FIR pending against him.

2.The case of the prosecution is that due to money dispute between the petitioner and the defact complainant, the petitioner and other accused took 8 Diesel Generators worth of Rs.16,00,000/- from the defacto complainant's house stating that if he pays the interest regularly, the petitioner will return the generators. Again after six months, the petitioner and other accused had created a lease document and obtained signature from the defacto complainant and his wife. Subsequently, on 10.08.2023, the defacto complainant's house was locked by the petitioner and threatened him through phone. Hence, the complaint.

3.The learned Counsel for the petitioner submitted that the complaint has been lodged for five incidents and there was no complaint for previous incident. Only in the last incident, all the incidents have been narrated and a consolidated complaint has been lodged by the defacto complainant.



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4.Further, the learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. Hence, he prayed to quash the FIR.

5.The learned Government Advocate (Criminal Side) submits that it is a matter for investigation and the grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

6.This court considered the rival submissions made.

7.The case is pending at the stage of investigation. The grounds raised by these 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



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accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

8.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.

9.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 three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

03.06.2024

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

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To

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1. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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B.PUGALENDHI, J.

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