



Crl.O.P(MD).No.9888 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.9888 of 2021 and
Crl.M.P(MD).No.5027 of 2021

Jeyakumar

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Nagamalaipudukottai Police Station,
Madurai District.
(Crime No.121 of 2021)

2.D.R.Premchandar

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Crime No.121 of 2021 on the file of the first respondent Police and quash the same.

For Petitioner	: Mr.M.Subash Babu Senior Counsel for Mr.Susikumar
For Respondent No.1	: Mr.R.M.Anbunithi Additional Public Prosecutor



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For 2nd respondent : Mr.B. Poornachandran

ORDER

This Criminal Original Petition has been filed to call for the records relating to the FIR in Crime No.121 of 2021 on the file of the first respondent Police and quash the same.

2.The case of the prosecution as per the defacto complainant is that he is residing in Jayabharath Classic City and he is the President of Jayabharath Classic City House Owner Welfare Association bearing Regn.No.141 / 2016. In the meantime, the petitioner herein and other accused had a malafide intention to destroy the above said association, created duplicate PAN card and forged receipt in the same name and register number of above said association and collected monthly subscription from the resident of Jayabharath Classic City and caused loss to the above said Association. Further, the petitioner herein waylaid the defacto complainant and abused him in filthy language and also threatened him with dire consequences. Hence, the defacto complainant filed a petition in Crl.M.P.No.1845 of 2021 on the file of the learned Judicial Magistrate No.VI, Madurai. Based on the order passed by the passed by the above said Magistrate, a case has been registered against



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the petitioner in Crime No.121 of 2021 on the file of the first respondent Police for the offences under Sections 294(b), 420, 468, 467 and 506(ii) IPC. Challenging the same, the petitioner herein has filed the present petition.

3. The learned counsel appearing for the petitioner would submit that there is no prima facie case against the petitioner and there is no ingredient to make out the case against him. He would further submit that there was two association for single apartment, with regard to the same civil suit is pending. He further submitted that only with an intention to make trouble to the petitioner, the 2nd respondent has given a false complaint and he prays to quash the impugned First Information Report.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit as per the investigation and statement of witnesses proved that the accused persons used duplicate receipts and collected monthly subscription and occurred loss to the Welfare Association. He would further submit that investigation of the case is almost completed and the final report is yet to be filed and he would pray to dismiss the present petition.



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5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.

6. On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped the petitioner, it is needless to state that action against him should be dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*. The first respondent police is directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.

7. In the result, this criminal original petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. However,



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the petitioner is given liberty to challenge the final report if he is so advised.

11.06.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1.The Inspector of Police,
Nagamalaipudukottai Police Station,
Madurai District.

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



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A.A.NAKKIRAN, J.

Trp

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