



Crl.O.P.(MD)No.11109 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.11109 of 2022

and

Crl.M.P.(MD).No.7005 of 2022

1.Malar @ Ponmalar

2.Esakkimuthu

... Petitioners

Vs.

1.State represented by
the Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Crime No.228 of 2021

2.Godwin Jebadurai.M

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.228 of 2021 on the file of the first respondent Police and quash the same in respect of the petitioners are concerned.

For petitioners

: Mr.T.A.Ebanezer

For R-1

: Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R-3

: Mr.D.Venkatesh

ORDER

This criminal original petition has been filed seeking to

quash the first information report in Crime No.228 of 2021 on the file of



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the first respondent Police for the offence punishable under Sections 417 and 420 IPC insofar as the petitioners are concerned.

2. The case of the prosecution is that the petitioners borrowed a sum of Rs.16,60,000/- from the defacto complainant and they did not repay the amount to him. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that without going into the merits of the case, this Court may issue a direction to the first respondent police to complete the investigation within a stipulated period by providing an opportunity to the petitioners in order to disprove the complaint preferred by the third respondent.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the investigation in this case will be completed within a period of four weeks.

5. Heard the learned counsel appearing for the second respondent.



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6. In view of the fair submission made by the learned counsel appearing for the petitioners, this Court is inclined to dispose the present petition by giving necessary direction to the first respondent Police. Accordingly, the first respondent Police is directed to conduct the investigation in Crime No.228 of 2021 and complete the same within a period of four weeks from the date of receipt of a copy of this order by providing necessary opportunity to both parties and after completing the investigation, if any cognizable offences are made out, the first respondent Police shall file a charge sheet in the manner known to law. Incase, if cognizable offences are not made out, the first respondent Police shall close the case as “mistake of fact”. However, the petitioners are at liberty to canvass all the grounds, which are all raised in the present petition, before the first respondent Police at the time of investigation.

7. In the result, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

29.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

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



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M.DHANDAPANI. J.

TSG

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