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Crl.O.P.(MD) No.14406 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.14406 of 2023

and

CRL.M.P (MD) No.11343 of 2023

1. P.Usha Devi,

2. J.Keerthiharan

... Petitioners

Vs

1. The Inspector of Police,
District Crime Branch,
Madurai District.

2. M.Pandi Sekar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.13 of 2023 dated 24.04.2023 pending on the file of the District Crime Branch, Madurai District and quash the same as illegal very much against the spirit of the police standing order which specifically put an embargo to the respondent police to venture into the realm of civil overtures.



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For Petitioner : Mrs.Pamelin.W
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

The accused in Crime No.13 of 2023 has filed this application to quash the FIR pending against them.

2.The case of the prosecution is that the accused have lent a sum of Rs.5,00,000/- to the defacto complainant at 5% of interest per annum. Then, they have demanded ex-orbitant interest from him. Hence the case.

3.The case of the petitioners is that they have lent the money to the defacto complainant out of love and affection. It is only a money transaction. The defacto complainant, in order to evade the re-payment of the borrowed amount, has foisted this case.

4.In support of her contention, the learned Counsel appearing for the petitioners relied on the order passed by the Principal Seat in Crl.O.P(MD)No.4872, 7596 and 7897 of 2018, dated 26.06.2018 and in



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Crl.O.P(MD)No.6118 of 2017, dated 01.02.2022.

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5.The learned Government Advocate (Criminal Side) submits that the investigation is almost completed. However, in view of the interim stay granted by this Court in Crl.O.P(MD)No.14406 of 2023, dated 01.11.2023, the respondent police are not in a position to file the final report.

6.This court considered the rival submissions made.

7.The case is pending at the stage of investigation. The grounds raised by this 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 accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.



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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 four weeks either by filing final report or with a closure report. Consequently, the connected miscellaneous petition is closed.

10.The learned Counsel for the petitioner submits that the defacto complainant has also filed an application before this Court as that he has compromised the issue with the accused.



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11.The said submission shall be considered by the respondent police,
before filing the final report.

01.07.2024

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

LR

To

1. The Inspector of Police,
District Crime Branch,
Madurai District.

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



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B.PUGALENDHI, J.

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