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Crl.O.P.(MD)Nos.16962 & 20432 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) Nos.16962 & 20432 of 2022

and

Crl.M.P.(MD).Nos.14166 & 11392 of 2022

1.S.Senthilkumar

2.V.Hemalatha ... Petitioners / Accused Nos.3 and 4 in Crl.O.P.
(MD).No.16962 of 2022

1.Ramalakshmi

2.K.Sivakumar ... Petitioners / Accused Nos.1 & 2 in Crl.O.P.
(MD).No.20432 of 2022

Vs.

1.The Inspector of Police,
Mathichayam Police Station,
Madurai District.
(Crime No.51 of 2019)

2.K.Anantha Kumar ...Respondents in both petitions

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.51 of 2019 dated 03.02.2019 on the file of the respondent No.1 for the offence punishable under Sections 465,



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468, 471, 294(b) and 506(i) IPC and quash the same as illegal as against the petitioners.

For petitioners	: Mr.R.Anand for Mr.J.Pandi Dorai
For R-1	: Mr.P.Kottaichamy Government Advocate (Criminal Side)
For R-2	: Ms.B.Buuvaneshwari (In both Petitions)

COMMON ORDER

These Petitions have been filed seeking to quash the First Information Report in Crime No.51 of 2019 dated 03.02.2019 on the file of the first respondent Police for the offence punishable under Sections 465, 468, 471, 294(b) and 506(i) IPC as against these petitioners.

2. The case of the prosecution is that the second respondent and the first accused had started a Fitness Centre in the name and style of Cosmo Fitness Centre in the year 2010. The first petitioner and another person, viz., Ashok Kumar were partners. While being so, the first accused at the instigation of the second accused had misappropriated some funds of the fitness centre and also created forged documents with the help of Accused Nos.3 and 4 and alienated the property in favour of him. Hence, the complaint.



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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 second respondent. He would further submit that this Court may grant permission to the petitioners to canvass all the points raised in this petition before the Investigating Officer at the time of investigation.

4. The learned counsel appearing for the second respondent would submit that the accused persons have misappropriated the amount of the fitness centre. However, this Court may grant permission to the second respondent to canvass all the points before the Investigating Officer at the time of investigation.

5. In view of the fair submission made by the learned counsel appearing for the petitioners and the learned counsel appearing for the second respondent, 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.51 of 2019 and complete the same within a



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period of twelve (12) 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 “Action Dropped”. However, the petitioners and the second respondent are at liberty to canvass all the grounds, which are all raised in the present petition, before the Investigating Officer at the time of investigation.

7. In the result, these criminal original petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

27.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Inspector of Police,
Mathichayam Police Station,
Madurai District.
(Crime No.51 of 2019)

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



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M.DHANDAPANI. J.

TSG

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