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Crl.O.P.(MD)No.21658 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.03.2024**

CORAM:

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

Crl.O.P.(MD) No.21658 of 2022
and Crl.M.P(MD).No.15244 of 2022

Sasi Kumar @ Shaji

... Petitioner

Vs.

1.The Sub-Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
Crime No.224/2022.

2.Harikumar

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the First Information Report in Crime No.224 of 2022 pending on the file of the first respondent Police and quash the same as illegal in respect of the petitioner herein.

For petitioner : Mr.A.Balakrishnan

For R-1 : Mr.S.Manikandan,
Government Advocate
(Criminal Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.224 of 2022 for the alleged offence punishable under Sections 341, 294(b), 506(1), 420 and



421 IPC, on the file of the first respondent Police, insofar as the petitioner is concerned.

2. The case of the prosecution is that the accused persons approached the defacto complainant for hand loan of Rs.15,00,000/- to uplift the business activities and also the educational expenses of the second accused and assured that the amount will be given back within three months. Believing their words, the defacto complainant has also transferred the amount to the account of the first accused. However, the accused persons failed to give back the amount and they have threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner 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 petitioner in order to disprove the complaint preferred by the second respondent.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent Police would submit that the investigation in this case will be completed within a period of 12 weeks.



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5. In view of the submission made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the first respondent Police to conclude the investigation in Crime No.224 of 2022, within a period of 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. In case if cognizable offences are not made out, the first respondent Police shall close the case as “mistake of fact”. The petitioner is at liberty to produce all documents, in order to prove that there is no criminality in the complaint preferred by the second respondent.

6. Accordingly, this Criminal Original Petition is disposed of.
Connected miscellaneous petition is closed.

22.03.2024

Index : Yes/No
Internet : Yes/No
ssb



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To

- 1.The Sub-Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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