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CrI.O.P.(MD)No.22228 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.22228 of 2022

and

CrI.M.P.(MD).No.15700 of 2022

1.Pershiyal

2.Ajelin Jeya

3.Samuvel

... Petitioners

Vs.

1.State represented by
the Sub-Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
Crime No.82 of 2022

2.Ruby Christy

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the FIR registered in Crime No.82 of 2022 dated 19.05.2022 on the file of the first respondent Police as against the petitioners.

For petitioners

: Mr.H.Arumugam

For R-1

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

For R-2

: Mr.C.Jeganathan



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ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.82 of 2022 for the alleged offence punishable under Sections 420 and 109 IPC on the file of the first respondent Police, insofar as the petitioners are concerned.

2. The case of the prosecution is that the petitioners have obtained a sum of Rs.55,00,000/- from the second respondent stating that the first accused would arrange high ranking jobs for the son and daughter of the defacto complainant, but they have failed to do the same and thereafter, the petitioners have visited the house of the second respondent and got 85 sovereigns of gold for showing them as security for the purpose of getting loan and gave assurance that they would return it as 100 sovereigns which has not been returned by them till now. 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 second respondent and may permit the petitioners to produce all the documents



before the first respondent Police.

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4. The learned Government Advocate (Criminal Side) appearing for the first respondent Police would submit that the investigation in this case will be completed as expeditiously as possible.

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

6. In view of the fair submission made by the learned counsel appearing for the petitioners, this Court is inclined to dispose this petition by giving necessary direction to the first respondent Police. Accordingly, the first respondent Police is directed to conduct the investigation in Crime No.82 of 2022 and complete the same within a period of eight 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”. The petitioners are at liberty to produce all the documents, in order to prove that there is no criminality in the complaint preferred by the second respondent.



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7. In the result, this Criminal Original Petition is disposed of.

Consequently, connected miscellaneous petition is closed.

27.03.2024

Index : Yes/No

Internet : Yes/No

ssb

To

1.The Sub-Inspector of Police,
Uthumalai Police Station,
Tenkasi District.

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



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M.DHANDAPANI. J.

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