



Crl.O.P.(MD)No.22382 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.22382 of 2022

and

Crl.M.P.(MD)No.15816 of 2022

Radha

... Petitioner

Vs.

1.The Sub Inspector of Police,
Sellur Police Station,
Madurai City.
(Crime No.760 of 2019)

2.Nagalakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.760 of 2019 dated 26.07.2019, on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner : Mr.R.L.Dhilipan Pandian

For R1 : Mr.S.Manikandan,
Government Advocate (Crl. Side)

For R2 : Mr.R.Murugappan



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CrI.O.P.(MD)No.22382 of 2022

ORDER

This Criminal Original Petition has been filed to quash FIR in Crime No.760 of 2019 dated 26.07.2019, on the file of the first respondent police.

2.The case of the prosecution is that the defacto complainant obtained loan from the co-operative society, wherein all the accused persons were employed, by pledging her house. The defacto complainant regularly paid the interest to the first accused, however, he failed to deposit the interest amount to the loan account. When the defacto complainant came to know about the same, she approached the accused persons and questioned about the same, at that time, the accused persons threatened her and thereby, cheated the defacto complainant. Therefore, the defacto complainant filed a complaint before the first respondent Police, based on which, a case in Cr.No.760 of 2019 came to be registered for the offences under Sections 406, 409, 420, 506(i) IPC. Challenging the same, the present petition has been filed.



Crl.O.P.(MD)No.22382 of 2022

3.The learned counsel appearing for the petitioner submitted that the petitioner herein was working as Sub Registrar in the Co-operative Society and all the allegations are levelled as against A1 alone. He further submitted that there is no specific allegations as against the petitioner herein. That apart, the main accused in this case died. Accordingly, he prayed to quash the impugned FIR.

4.The learned Government Advocate(Crl.side) appearing for the first respondent Police submitted that the case is only at FIR stage and the grounds raised in the present petition are all matter for investigation and the same cannot be agitated before this Court under Section 482 Cr.P.C. Accordingly, he prayed to dismiss the present petition.

5.The learned counsel appearing for the second respondent submitted that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he prayed to dismiss the present petition.



Crl.O.P.(MD)No.22382 of 2022

6. On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped the petitioners, it is needless to state that action against them should be dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*.

7. At this juncture, the learned counsel appearing for the petitioner requested that this Court may permit the petitioner to produce necessary documents before the Investigating Officer in order to disprove the prosecution case.

8. In view of the above, the petitioner is permitted to produce necessary documents before the first respondent Police. If any documents are filed by the petitioner, the first respondent shall consider the same and complete the investigation, within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent



CrI.O.P.(MD)No.22382 of 2022

police is further directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.

9.In the result, this criminal original petition is dismissed.
Consequently, connected miscellaneous petition is closed.

25.03.2024

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

To

- 1.The Sub Inspector of Police,
Sellur Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.22382 of 2022

M.DHANDAPANI,J.

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CrI.O.P.(MD)No.22382 of 2022

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