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Crl.O.P.(MD)No.23197 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM:

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

Crl.O.P.(MD) No.23197 of 2022
and Crl.M.P(MD).No.16473 of 2022

A.Thangamalar

... Petitioner/2nd Accused

Vs.

1.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
Crime No.342 of 2021.

...1st Respondent/Complainant

2.Arunkumar

...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.342 of 2021, dated 23.05.2021, on the file of the first respondent Police and to quash the same as illegal.

For petitioner

: Mr.K.Sivabalan

For R-1

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



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ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.342 of 2021 for the alleged offence punishable under Sections 294(b), 420 and 506(i) of IPC, on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent is the Manager (Finance) in Heritage Hotel, Madurai. The petitioner is the Proprietor of the firm namely Fleurs. The petitioner approached the said hotel for conducting the meeting at Chettinad Conference Hall, for which, he paid Rs.10,000/- as advance. As per the instruction, the defacto complainant allotted a room for a film actress from 06.01.2021 to 07.01.2021 and to another film actress from 08.01.2021 to 09.01.2021. After finishing the meeting, they vacated the rooms and the bill fixed to the tune of Rs.2,11,924/-. To clear the bills, the petitioner issued three cheques i.e., a cheque bearing No.348377 to the tune of Rs.1,46,940/-, chequse No.348379 to the tune of Rs.16,284 and cheque No.348380 to the tune of Rs.48,700/-. When the cheques were presented for payment, that were dishonored with an endorsement that stopped payment. Once again, the said cheques were present for payment on 06.02.2021 at the request of the petitioner and that too dishonored with an endorsement of stopped payment on 08.02.2021. Thereafter, a complaint was made



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before the first respondent Police. During enquiry, petitioner seeks a month time to return the said amount, but failed to do so. When the defacto complainant met the petitioner on 12.05.2021 at about 1.30 p.m., the petitioner scolded the defacto complainant using filthy language and threatened him with dire consequences. Hence, the defacto complainant being the Manager of the Heritage Hotel, Madurai lodged the complaint before the first respondent Police, based on which, a case in Crime No. 342 of 2021 was registered for the offence punishable under Sections 294(b), 420 and 506(i) of IPC.

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 in Crime No.342 of 2021 and may permit the petitioner to produce all the documents before the first respondent Police 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 the time that may be stipulated by this Court.



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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.342 of 2021, within a period of 12 weeks from the date of receipt of a copy of this order, after providing opportunity to both parties. The petitioner is at liberty to produce all documents before the respondent Police for disproving the complaint made by the second respondent. If the petitioner disproves the complaint made by the second respondent, the first respondent Police may close the complaint as further action dropped and otherwise, the first respondent Police is at liberty to proceed in accordance with law.

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

28.03.2024

Index : Yes/No
Internet : Yes/No

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To

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



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M.DHANDAPANI. J.

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