

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CrI.O.P(MD)No.4094 of 2025
and CrI.M.P(MD).No.2920 of 2025

Balaji

... Petitioner

Vs

1.The State of Tamil Nadu,
The Inspector of Police,
C.B.C.I.D (OCU), Trichy,
Trichy City.
Crime No.1 of 2021

2.Tamilmaran
The Assistant Commissioner of Police,
Law and Order, Goldenrock Range,
Trichy City.

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records relating to the First Information Report in Crime No.1 of 2021 of the first respondent and quash the same.

For Petitioner : Mr.S.Rajeshkanna

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (CrI.Side)



ORDER

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This criminal original petition has been filed by the petitioner to quash the FIR in Crime No.1 of 2021 on the file of the first respondent.

2. The learned counsel appearing for the petitioner would submit that the second respondent lodged a false complaint against the petitioner and others before the first respondent. Thereby, FIR in Crime No.1 of 2021 for the offence under Section 171 (E) of IPC and Section 129(3) of Representation of People Act, was registered and the same is now under investigation. In fact, on 27.03.2021, around 12.20 pm., while he was in the Government Hospital Police Station, Tiruchirappalli, he received a cell phone call from one Karunanidhi, Police Constable (Stickalli), who was working attached to the office of the Intelligent Section Assistant Commissioner and the petitioner attended the phone call and be introduced as Tr.K.Ramachandran. Then Assistant Commissioner of Police, Intelligent Section (I.S), Trichy City, directed him to come to the Commissioner of Police Office (COP), Trichy , that the petitioner was again taken to the CPO, Trichy city at 07.00 pm., and the said proceedings in Government Hospital Police Station were video graphed and that the petitioner had not been aware of the fact that how the said envelopes came to the said bureau and the contents of the envelopes. As per the FIR, a special team of police asked the petitioner whether any money was given to



the Police Station, to which, the petitioner replied that some Advocate handed over paper envelopes and the petitioner was not aware of how much amount was in the envelope, and also handed over 23 paper envelopes each containing Rs.2,000/- amounting to a total of Rs.46,000/- and the same were seized by the second respondent. In fact, no such occurrence was happened and the false case was registered against the petitioner. Therefore, pending FIR is abuse of process of law and the same is liable to be quashed.

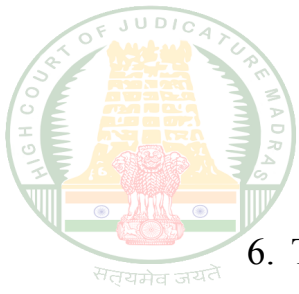
3. The learned Government Advocate (crl.side) would submit that the special squad, after receiving secret information on 27.03.2024 that in the Thillai Nagar Police Station some political parties distributed money for election purpose, they immediately went to Thillai Nagar Police Station and enquired about the distribution of amount and at the time, they seized 12 covers each containing Rs.2,000/- from the Head Constable, Suganthi and 12 covers, each containing Rs.2,000/- and also they enquired about the petitioner, Balaji, also, who handed over the 23 covers, each containing Rs.2,000/- and thereby, they are the persons to distribute money for election purpose. Hence, FIR in Crime No.1 of 2021 was registered and the same is now pending. Thereafter, they conducted investigation and now filed a final report. Therefore, the petitioner has to challenge the final report in the manner known to law.



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4. Heard both sides and perused the materials available on record.

5. This petition has been filed challenging the FIR registered in Crime No.1 of 2021 on the ground that no occurrence was took place and as per FIR there are no specific allegation against the petitioner and false case was foisted against the petitioner. No offence was made out against the petitioner and the petitioner is about to retire and at the age of retirement, the respondent police, without verifying the complaint, registered the FIR against him. According to the respondents, while they conducted search in the petitioner's office, he handed over the money, which was distributed by political party for election purpose, and the same was also seized and thereafter, they conducted investigation and filed a final report. Since the prayer sought for in this petition is to quash the FIR and in the meantime, the first respondent, after completion of investigation, filed a final report before the trial Court, as per FIR there are some specific allegations against the petitioner, it is for the petitioner to challenge the final report in the manner known to law, if he is aggrieved.



6. Therefore, preserving the liberty of the petitioner to challenge the final report, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

29.04.2025

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

Rmk

To

1.The Inspector of Police,
C.B.C.I.D (OCU), Trichy,
Trichy City.
Crime No.1 of 2021

2.The Assistant Commissioner of Police,
Law and Order, Goldenrock Range,
Trichy City.

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



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P. DHANABAL, J.

Rmk

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