

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. Nos.8141 and 8142 of 2011 & M.P. Nos.1 & 1 of 2011

P. Ranganathan	Petitioner in Crl.O.P. No.8141 of 2011
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C. Ganapathy

vs.

Union Territory of Puducherry
represented by the Inspector of Police
T.R. Pattinam Police Station
Karaikkal
(Crime No.33 of 2011)

Criminal Original Petitions filed under Section 482, Cr.P.C. to call for the records in Crime No.33 of 2011 dated 20.02.2011 on the file of the Inspector of Police, T.R. Pattinam Police Station, the respondent herein and quash the entire proceedings insofar as the petitioners.

For petitioner
in CrI.OP.No.8141/2011 Mr.C.R. Malarvannan

For Petitioner in
Crl.O.P.No.8142/2011 Mr.T.Ravi

For respondent Mr. Thangavel
in both the cases A.P.P. (Pondy)

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records in Crime No.33 of 2011 dated 20.02.2011 on the file of the Inspector of Police, T.R. Pattinam Police Station and quash the entire proceedings insofar as the petitioners.

2 On the complaint lodged by one Elanchezhian, the
respondent police registered a case in Crime No.33 of 2011 under
Sections 420 and 120-B read with Section 34 IPC against
Cadiressane (A1) Renganathan (A2) and Ganapathy (A3).

challenging which, Renganathan (A2) and Ganapathy (A3) have preferred these Criminal Original Petitions.

3 Heard Mr. Malarvannan, learned counsel for the petitioners and Mr.Thangavel, learned Additional Public Prosecutor (Pondy).

4 On a reading of the complaint which forms the basis of FIR, it is seen that it is the case of Elanchezhiyan that he is working as a teacher and that he received a notice in a suit instituted by Ganapathy (A3) before the District Court, Karaikkal, claiming Rs.3 lakhs that is said to have been borrowed by him on 05.09.2009 from Ganapathy (A3). Elanchezhiyan has further alleged that he had not borrowed any money from Ganapathy and that he disowned Ganapathy from Adam and that Ganapathy, in collusion with others, must have fabricated documents as if he had borrowed a sum of Rs. 3 lakhs on 05.09.2009 and filed the suit. Hence, the FIR.

5 Mr. Malarvannan, learned counsel for the petitioners/accused submitted that Ganapathy filed O.S. No.22 of 2010 and the same was contested by Elanchezhiyan and the suit was decreed on 23.02.2012 by the District Court, Karaikkal negating the plea of Elanchezhiyan.

6 In the considered opinion of this Court, the FIR does not disclose commission of a cognizable offence and it is purely a money transaction. However, since the de facto complainant has not been arrayed as a party herein, no order prejudicial to his interest can be passed behind his back.

7 In the result, these Criminal Original Petitions are closed with a direction to the respondent police to complete the investigation within a period of one month from the date of receipt of a copy of this order and file a closure report or inter alia take action in accordance with law. Connected MPs are closed.

It has come to the notice of this Court that the Registry has called for FIRs and original records from various Courts. Therefore, a general direction is given to the Assistant Registrar (Criminal Side) of this Court, to send back the FIRs and original records to the respective Courts soon after the disposal of the main Criminal Original Petitions.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

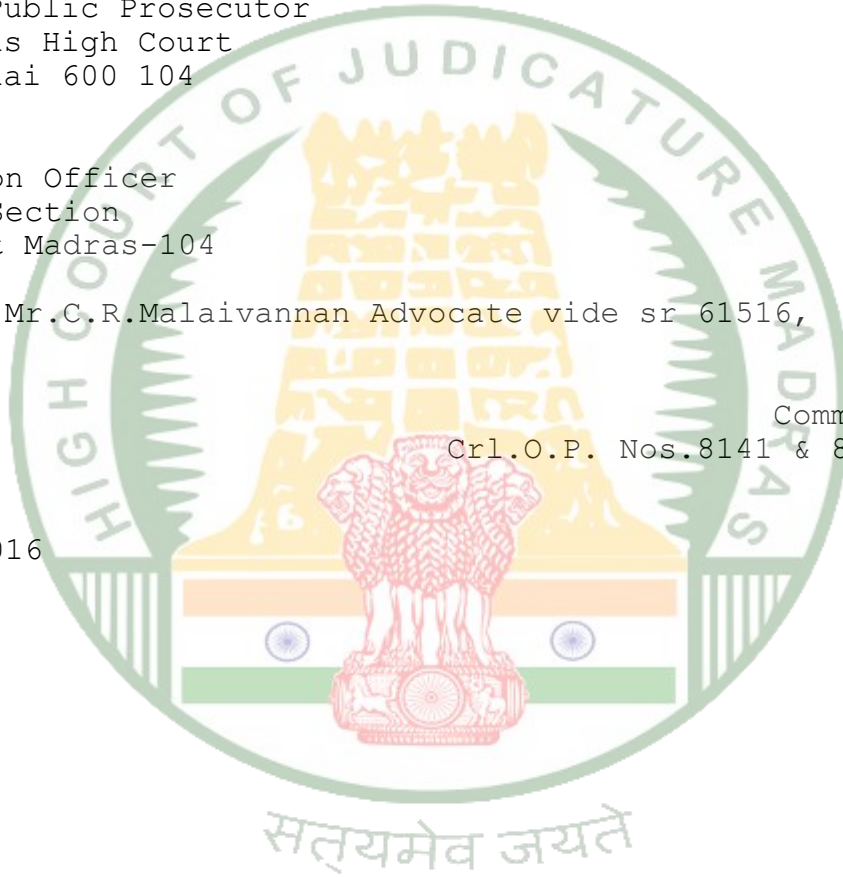
- 1 The Inspector of Police
T.R. Pattinam Police Station
Karaikkal
- 2 The Assistant Registrar (Criminal Side)
Madras High Court
Chennai 600 104
- 3 The Public Prosecutor
Madras High Court
Chennai 600 104

copy to
The Section Officer
Criminal Section
High Court Madras-104

+2 ccs to Mr.C.R.Malaivannan Advocate vide sr 61516,
61517

Common order in
CrI.O.P. Nos.8141 & 8142 of 2011

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