

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.20094 of 2012

1.Pandian @ Maruthupandian
2.Bharathidasan

[Petitioners]/Accused 1&3

Vs

1.State by Sub-Inspector of Police,
EDF Team IV, Central Crime Branch,
Egmore, Chennai. [Respondent]/Complainant

2.P.Jayaraj [Respondents]/Defacto complainant

Petition filed under Section 482 of the Criminal Procedure Code, to call for the records made in the FIR in Crime No.777 of 2007 on the file of the Sub-Inspector of Police, EDF Team IV, Central Crime Branch, Egmore, Chennai, the first respondent herein and quash the same.

For Petitioners : Mr.S.P.Sudalaiyandi

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor for R1

Mr.I.Periyasamy for R2

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been to call for the records in Crime No.777 of 2007 on the file of the first respondent and quash the same.

2.It is stated in the affidavit filed in support of this petition that originally, a complaint has been filed by the second respondent against the petitioners under Section 420 r/w 120(B) IPC. Since the said complaint itself was not maintainable for want of jurisdiction, and the second respondent had already lodged a complaint for the very same cause of action before the District Crime Branch, Thanjavur, the said complaint was closed.

It is further stated that now, for the very same cause of action, the de facto complainant lodged a complaint before the respondent police and hence the same is not maintainable. It is further stated that even assuming that the facts are true, it is purely a civil dispute and no criminal offence is made out against the petitioners. Stating so, the present Criminal Original Petition is filed with the prayer already stated supra.

3.The learned counsel for the petitioners submitted that under similar circumstances, this Court has passed an order in CrI.O.P.No.24483 of 2007 dated 09.07.2012, quashing the FIR as the dispute was purely civil in nature. Stating so, the learned counsel for the petitioners prayed for allowing this Criminal Original Petition.

4.Heard both sides.

5.It is seen from the records that the complaint originally lodged against the petitioners was dismissed treating the same as civil in nature. Subsequently, yet another complaint was filed and the First Information Report relating to the said complaint is challenged in the present Criminal Original Petition. The submission of the learned counsel for the petitioners is that an attempt has been made to convert a pure civil dispute into a criminal case by abusing the process of law.

6.As rightly submitted by the learned counsel for the petitioners, the order passed by this Court in CrI.O.P.No.24483 of 2007 dated 09.07.2012, squarely applies to the facts of the present case. In the present case, no documentary proof is adduced to substantiate the allegations. Instead of filing suit, the present complaint has been filed, which in the considered opinion of this Court, creates only a civil dispute.

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7. In view of the reasons stated supra, the First Information Report in Crime No.777 of 2007 on the file of the first respondent herein, is quashed and the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

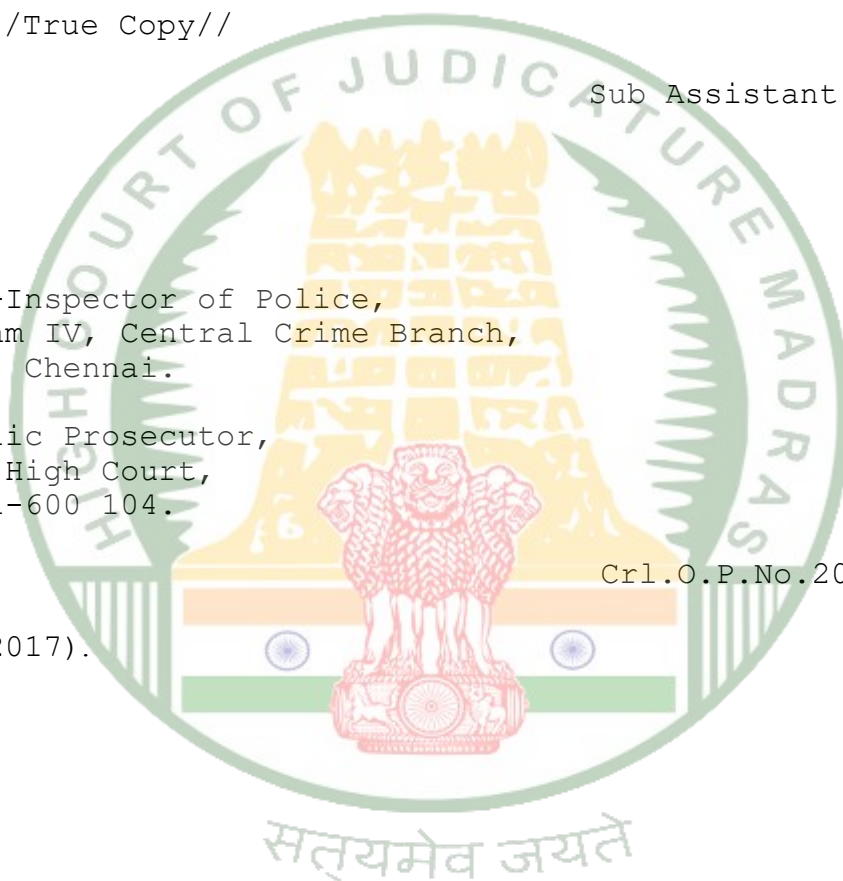
To

1. The Sub-Inspector of Police,
EDF Team IV, Central Crime Branch,
Egmore, Chennai.

2. The Public Prosecutor,
Madras High Court,
Chennai-600 104.

Crl.O.P.No.20094 of 2012

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