

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.28155 of 2010

and

MP.No.1 of 2010

R.Ramesh

...Petitioner

Vs.

1. The State Rep. by
The Inspector of Police,
Team-IX, Central Crime Branch,
Egmore, Chennai.

2. R.K.Kannan

... Respondents

(R2 impleaded as per the order of this Court dated 16.12.2010 in
MP.No.2 of 2010 in Crl.OP.No.28155 of 2010)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the entire records in F.I.R. Crime NO.458 of 2010 on the file of the Inspector of Police, Central Crime Branch, Egmore, Chennai and quash the entire proceedings as against the petitioner.

For Petitioner : Mr.M.Velmurugan

For R1 : Mr.C. Emalias
Addl. Public Prosecutor

For R2 : Mr.N.Chandrasekar

O R D E R

This criminal original petition has been filed to call for the entire records in F.I.R. Crime NO.458 of 2010 on the file of the Inspector of Police, Central Crime Branch, Egmore, Chennai and quash the entire proceedings.

2. Heard the learned counsel appearing for the petitioner, learned Additional Public Prosecutor appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.

3. On the complaint lodged by one R.K.Kannan, the second respondent, the first respondent police registered a case in Crime No.458 of 2010 on 13.09.2010 under Section 420 IPC against the petitioner Ramesh challenging which, the petitioner is before this Court.

4. It may be relevant to extract the complaint of Kannan Verbatim :

"I am an Architect practicing in Chennai for the past 30 years. I was introduced Mr.Ramesh, residing Flat No.4, Door No.16, II Main Road, Venkateswara Nagar, Kottivakkam, Chennai, by one Mr.Sriganth, who is a Chartered Accountant some time around October, 2007. That time Ramesh asked me to take up the construction of flat in his properties in Bangalore. He promised me to give 40% share on the sale of constructed properties. Based on his promise, we entered into an agreement on 01.12.2007 at Advocate Mr.Vasudevan office located at No.63, Eldams Road, Alwarpet, Chennai. After obtaining planning permission, I started construction around July 2008 at Bangalore and completed around February, 2010. Believing his word, I have invested around Rs.40 Lakhs for the construction. The balance amount was taken from the buyers. Still after six months, Mr.Ramesh has not settle my dues and cheated me of money. He is not responding my phone calls and refusing to meet me. He is threatening to me with direct consequences if I ask further my dues. It is clearly shows that his act of cheating my hand earned money. Hence, I request you to take necessary action against him and help me to get back my money."

5. From a mere reading of the complaint it is seen that it is purely a money transaction inasmuch as Kannan and Ramesh have entered into a construction agreement on 01.12.2007 and it is alleged that Ramesh had not paid the balance amount to Kannan. There is no element of deception at the inception, which is essential for maintaining a prosecution under Section 420 IPC.

In the result, this petition is allowed and the FIR in Crime No.458 of 2010 is hereby quashed. Consequently, connected miscellaneous petition is closed.

mk

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Inspector of Police,
Team-IX, Central Crime Branch,
Egmore, Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1 CC Mr.M.Velmurugan Advocate SR.No.60038

Cr1.O.P.No.28155 of 2010

VGI

MSI 04/11/2016

सत्यमेव जयते
WEB COPY