

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 14.06.2018
CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
CRL.OP.No.15486 of 2018
and CRL.M.P.No.15486 of 2018

1.K.S.Govindarajan
Managing Director,
Womens Center Hospitals Pvt. Ltd.,
Coimbatore.

2.Mirudhubashini Govindarajan
3.G.Jayaram Govindarajan
4.G.Mithraprabhu
5.G.Raghuram Govindarajan

6.Dr.P.M.Gopinath,
Medical Director,
Womens Center Hospitals Pvt. Ltd.,
Coimbatore.

7.M.Somervel,
Administrative Officer,
Womens Center Hospitals Pvt. Ltd.,
Coimbatore.

8.Lazarus Abel

9.Harish
IT Team Leader,
Womens Center Hospitals Pvt. Ltd.,
Coimbatore.

10.Dr.Ramakrishnan,
Consultant Neurologist,
Womens Center Hospitals Pvt. Ltd.,
Coimbatore.

Petitioner

Vs

1.State rep. by the Inspector of Police,
B-11, Saibaba Colony Police Station [Crime],
Coimbatore.

2.S.Sairaman,
General Manager,
iBuilding Automation Pvt. Ltd.,
New No.12/1, Old No.27/1, 92nd Street,
18th Avenue, Ashok Nagar,
Chennai-83.

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.1411 of 2013 on the file of the respondent police, quash the proceedings therein.

For Petitioner : Mr.C.S.Dhanasekaran
For 1st Respondent : Ms.P.Kritika Kamal, GA [Crl. Side]

O R D E R

This petition has been filed to quash the FIR in Crime No.1411 of 2013 on the file of the respondent police.

2.The complainant gave a complaint dated 30.01.2013 to the 1st respondent Police and thereafter, filed Crl.O.P.No.18892 of 2013 under Section 482 of Cr.P.C. for a direction to the 1st respondent to register FIR on his complaint. In Crl.O.P.No.8892 of 2013, this Court issued the following directions on 06.08.2013:

"... 4.In view of the said submission made by the learned Additional Public Prosecutor, this Court directs the petitioner to give a fresh complaint to the Inspector of Police (Crimes) within one week from the date of receipt of copy of this order and on receipt of the same, the Inspector of Police (Crimes), is directed to take up the complaint along with the complaint that was already given by the counter petitioners and to proceed with the investigation and dispose of both the complaints in accordance with law as early as possible."

3.Pursuant to the said direction, the respondent Police have registered a case in Crime No.1411 of 2013 on 03.09.2013 against the petitioners herein for the offences under Sections 120B, 209, 420, 422 and 506[ii] IPC. For quashing which, the petitioners are before this Court.

4.Heard Mr.C.S.Dhanasekaran, learned counsel for the petitioners/accused who submitted that the complaint does not disclose commission of cognizable offence.

5.Per contra, learned Government Advocate [Crl. Side] refuted the contentions.

6.This Court carefully perused the complaint. It is the case of the complainant that the accused are running a hospital in the name of Womens Center Hospitals Pvt. Ltd. at Coimbatore and they had appointed M/s.Building Automation Pvt. Ltd., for installing CCTV camera and fire extinguisher; that the complainant had executed the work and had raised a bill for Rs.1,33,77,294/-; towards that bill, the accused have paid

Rs.77,73,105/- and that the accused is due for a sum of Rs.56,04,189/-. Therefore, it is alleged that the accused have committed the offence of cheating.

7. On a mere perusal of the complaint, it is apparent to this Court that the entire transaction is a civil transaction, which has been given a criminal colour. Even according to the complainant, the accused had paid Rs.77,73,105/- and a sum of Rs.56,04,189/- is due, for which, a criminal complaint has been filed. The complainant should have filed a civil suit for recovery of the said sum. But strangely, criminal law has been set into motion. This Court does not want to admit this case and keep it pending indefinitely. Therefore, this Court directs the respondent Police to complete the investigation in Crime No.1411 of 2013, if not already completed and file the appropriate report within three months from the date of receipt of a copy of this order. Liberty is given to the petitioner to approach this Court again, in the event of any prejudice to their case.

With the above directions, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Inspector of Police,
B-11, Saibaba Colony Police Station [Crime],
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.C.S.Dhanasekaran Advocate sr 37288

CRL.OP.No.15486 of 2018

aa21/06/2018