



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP(MD).No. 20214 of 2013
and M.P. (MD) No. 1 of 2013

Gopi

...Petitioner/Accused

Vs.

1. The State represented by-

The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District

(in Crime No. 138 of 2013)

...Respondent/Complainant

2. Jeyaraj

...Respondent/Defacto
Complainant

PRAYER: This Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining the FIR in Crime No.138 of 2013 on the file of the first respondent police and to quash the same.

For Petitioner : Mr.S.C. Herold Singh

For Respondent-1 : Mr.A. Robinson
Government Advocate (Crl. Side)

For Respondent-2 : Mr.J. Senthil Kumariah

ORDER

The petitioner seeks quashing the First Information Report in Crime No.138 of 2013, on the file of the Usilampatti Taluk Police Station, Madurai District, which has been registered for the offences under Sections 406 & 420 of IPC.

2. The allegation of the defacto complainant is that, he borrowed a sum of Rs.50,000/-(Rupees Fifty Thousand Only) from the Petitioner. The second respondent/defacto complainant herein was not able to repay the said amount. Therefore, there was an agreement between the parties to sell the property in question in favour of the petitioner, after receiving the balance amount of Rs.3 lakhs (Rupees Three Lakhs Only). The case of the defacto complainant is that the petitioner prevailed upon him to execute a sale deed and that he would settle the balance amount later. But, he did not pay the balance amount. Therefore, the second respondent lodged the



information in question, leading to registration of the impugned FIR. According to the second respondent, the petitioner executed a pro-note, but gave him a copy of the same and retained the original.

3. This Court went through the contents of the sale deed and it states that the second respondent had received the entire sale consideration. If the petitioner had with-held a portion of the sale consideration, the vendor would have obtained the original pro-note or signed cheque in his favour. There is nothing on the sort. Therefore, this Court is unable to believe the version set out in the FIR. No case is made out against the petitioner.

4. Hence, the FIR is quashed. This Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.C.Herold Singh, Advocate, SR.No.67666.
+1cc to Mr.J. Senthil Kumariah, Advocate, SR.No.68021.

CRL OP (MD) .No. 20214 of 2013
11.06.2018

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RAM/SV MMS/SAR 3/28.06.2018/2P/5C