

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.02.2019
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.22001 of 2018
and CRL.M.P.No.12091 of 2018

1. Adithya
2. Akhila

... Petitioners

Vs.

1. The Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri.

2. N.Venkatesh
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crime No.15 of 2018, pending on the file of the first respondent police and quash the FIR.

For Petitioner : Mr.Hari

For M/s. Hari and Guru Associates

For Respondents

R1 : Mr.Mohammed Riyaz
Additional Public Prosecutor.

R2 : Mr.G.M.Anantha Kumar

O R D E R

This Criminal Original Petition has been filed to quash the F.I.R in Crime No.15 of 2018, registered for the offences under Section 406 and 420 of IPC.

2. The learned counsel appearing for the petitioner would submit that there is a business transaction between the petitioners/accused and the defacto complainant to supply of cement and steel goods to the defacto complainant. Further he submitted that the petitioners are being the manufacturers of cement and other steel goods, they yet to produce and supply the goods. Mere delay in executing the orders cannot be concluded as cheating or breach of trust. Therefore, the offences registered in the present case are not at all made out as against the petitioners and there is absolutely no breach of trust. Hence, he sought for quashing the FIR.

3. The learned counsel appearing for the second respondent/defacto complainant would submit that the petitioners received a sum of Rs.5 lakhs from the defacto complainant for the supply of cement and steel goods and

thereafter they never supplied the goods as promised by them. Therefore, he sought for dismissal of this petition.

4. The Additional Public Prosecutor appearing for the respondent would submit that there are some business transactions between parties and it is alleged that the petitioners cheated the defacto complainant to the tune of Rs.5 lakhs. The investigation is not yet completed and hence he prays to dismiss this petition.

5. Heard Mr.Hari, learned counsel appearing for the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent and Mr.G.M.Anantha Kumar, learned counsel appearing for the second respondent.

6. It is seen from the First Information Report that there are some business transactions between the petitioners and the defacto complainant and the petitioners received huge money from the defacto complainant to supply the cement and steel goods to the defacto complainant. After receipt of the same, the petitioners did not supply the goods. Other than that, there are so many allegations in the FIR as against the petitioners. Therefore, it has to be investigated. Further the FIR is not an encyclopedia and it cannot be quashed in the threshold.

7. Considering the above facts and circumstances of the case, this Court is not inclined to quash the FIR. However, the first respondent is directed to complete the investigation and file a final report within a period of three months from the date of receipt of copy of this Order.

8. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rts
To

1. The Deputy Superintendent of Police,
District Crime Branch, Krishnagiri.

2. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to M/s. Hari and Guru Associates , Advocate SR.No. 11710
CRL.O.P.No.22001 of 2018
and CRL.M.P.No.12091 of 2018