

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.20297 of 2014
and M.P.No.1 of 2014

1. M/s.Sri Rama Minerals
Rep by its Managing Partner,
P.Eswar Reddy,
Having Office at
6-3-155 Ram Nagar,
Anantapuram - 515 004,
Andra Pradesh.
 2. P.Eswar Reddy
 3. P.Umarani
 4. S.Sujatha
 5. P.Mahadeva Reddy
-Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
F-2, Sipcot Gummidipondi Police Station,
Thiruvallur District.
Crime No.188 of 2014
 2. N.Uma Shankar
- ...Respondents

PRAYER :

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the Crime No.188 of 2014 on the file of the F-2 Sipcot Police Station, Thiruvallur and quash the same by allowing the Criminal Original Petition.

For Petitioner : Mr.ARL.Sundaresh, Senior Counsel
For Mr.M.Guruprasad

For Respondents

For R1 : Mr.C.Raghavan
Government Advocate (Crl. Side)

For R2 : No appearance

ORDER

This petition has been filed to quash the F.I.R in Crime No.188 of 2014 on the file of the first respondent police registered for the offence under Section 420 of IPC as against the petitioners.

2. The learned Senior Counsel appearing for the petitioner submitted that in the present case, there is no ingredient to attract the offence under Section 420 of IPC. Even it is seen from the complaint, the allegation is that M/s.Kamatchi Sponge & Power Corporation Ltd are in production of Sponge iron and their unit is working at Gummidipoondi, Chennai. They used to purchase raw materials from Karnataka and Andhra Pradesh to carry out their business activities. While being so, on 07.07.2014, two lorries bearing Andhra Pradesh registration number loaded with iron came to the office of the complainant company. Since they did not place any orders with the petitioner's company, on verification, it was found that the petitioner's company supplied the goods on bogus purchase orders containing the TIN number of the defacto complainant's company. The defacto complainant's company name, TIN number and permit are misused in transit pass i.e., Form-E of the Government of Andhra Pradesh, Department of Mines and Geology Kurnool and Commercial Tax, Government of Andhra Pradesh. He further pointed out that even assuming that the allegations are true, the petitioner would not be supplied the goods to the very same complainant's company, if they misused their TIN number. Therefore he prayed for quashment of the FIR.

3. The learned Government Advocate (Crl.Side) submitted that the investigation in Crime No.188 of 2014, is pending on the file of the first respondent police.

4. Heard Mr.ARL.Sundaresan, learned Senior Counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl.Side) appearing for the first respondent. Though a counsel entered appearance, no one is appeared on behalf of the second respondent.

5. It is seen that admittedly, the defacto complainant did not place the orders to purchase the goods and the petitioners did not receive the same. Therefore there is no inducement or instigation committed by the petitioners. It is relevant to extract the Section 420 of IPC as follows :-

"420. Cheating and dishonestly inducing delivery of property -Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to

any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

6. Even assuming that the allegations are true, the ingredients of the complaint did not constitute any offence as against the petitioners and it would not attract the offence under Section 420 of IPC. The FIR is pending from the year 2014 and the investigation is still pending and the respondent police did not file any final report or charge sheet as against the accused persons. Therefore, this Court is inclined to quash the FIR.

7. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.188 of 2014 on the file of the Inspector of Police, F-2 Sipcot Police Station, Thiruvallur, is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rts

To

1. The Inspector of Police,
F-2, Sipcot Gummidipondi Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.35901

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EV(CO)
CS/20/05/2019