

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRL.O.P.NO.23801 OF 2019

AND

CRL.M.P.NO.12542 OF 2019

S.Ranjith

...Petitioner

Vs

1. State by:
Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai

2. A.Kamalakkannan

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C, to pass an order to call for the records from the first respondent police in Crime No.438 of 2019 on the file of S-6, Sankar Nagar Police Station, Chennai and quash the F.I.R., registered against the petitioner/accused-2 by the first respondent police.

For Petitioner : Mr.R.Rajasekaran

For R1 : Mr.C.Iyyapparaj
Additional Public Prosecutor

For R2 : No appearance

O R D E R

Heard Mr.R.Rajasekaran learned counsel for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor for the first respondent.

2.Notice has been served on the second respondent and his name is printed in the cause list. Today, when the matter is called, none appeared on behalf of the second respondent.

3.The averments in the impugned F.I.R., is that the first accused had taken orders for supply of four Air conditioners and one washing machine valued at Rs.1,42,000/- (Rupees one lakh and forty two thousand only) and Rs.15,000/- (Rupees fifteen thousand only) respectively, for which he had paid an advance amount of Rs.20,000 (Rupees twenty thousand only). The appliances came to be delivered to the first accused and thereafter, there arose a dispute with regard to the payment of the balance value of the appliances. In this connection, the complaint came to be made.

4.The learned Additional Public Prosecutor submitted that pending investigation, the materials were also seized from the first accused and returned to the complainant.

5.The second accused, who is the petitioner herein, is also the dealer, who has not been originally made as an accused in the impugned F.I.R. Since the transaction predominantly reveals to be one of a Commercial transaction and also by taking note of the fact that the goods supplied were seized the respondent police may not be justified in continuing with the investigation.

6.In view of the fact that the impugned FIR being commercial in nature, the investigation is liable to be quashed. It is always open to the complainant to work out his remedy before the appropriate civil forum.

7.In the light of the above observations the investigation in Crime No.438 of 2019 is quashed.

8.This Criminal Original Petition stands allowed accordingly. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS I)

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Sub Assistant Registrar

vsn/sbn

To

1. The Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai

2. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.R.Rajasekaran, Advocate, S.R.No.88625

Crl.O.P.No.23801of 2019
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EV(CO)
CS/11/12/2019



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