

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.14010 of 2017
in Crl.M.P.No.8969 of 2017

P.Senthil Kumar

... petitioner

Vs.

1.State through
The Inspector of Police,
T-2, Ambattur Estate Police Station (Crime),
Chennai - 600 058.
(Crime No.1277 of 2012)

2.S.Aravind Kothari

...Respondents/Complainant /
Defacto Complainant

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.1277 of 2012, now pending investigation on the file of the first respondent police and quash the same.

For Petitioner : M/s.R.Ganesh Kumar

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1

No Appearance for R2

ORDER

This petition has been filed to quash the FIR in Crime No.1277 of 2012, pending investigation before the first respondent police.

2.The case of the prosecution is that the defacto complainant is running a business dealing with Metal Scrap. He entered into agreement with the petitioner for

the purchase of 90 tons of Metal Scrap. It is the grievance of the defacto complainant that he had received only 60 tones of Metal Scrap and the balance of 30 tons of Metal scrap has not reached the defacto complainant. Therefore, based on the complaint given by the defacto complainant, an FIR has been registered for an offence under Section 420 of IPC.

3. Heard, the learned counsel appearing for the petitioner and the the learned Additional Public Prosecutor appearing on behalf of the respondent police and there is no representation for the second respondent.

4. Taking into consideration, the entire allegations that have been made in the FIR, It is very clear that the entire dispute is civil in nature and it is covered by an agreement that has been entered into between the parties. The allegations, even if it is taken as it is, does not constitute an offence under Section 420 of IPC. The complaint itself is an abuse of process of law.

5. In the result, the FIR in Crime No.1277 of 2012, pending investigation on the file of the first respondent police, is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
T-2, Ambattur Estate Police Station (Crime),
Chennai - 600 058.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Ganesh Kumar , Advocate SR.No. 66992

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A.SK(09/09/2019)