

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.28764 of 2018
and Crl.M.P.No.16789 of 2018

B.Pushparaj ... Petitioner

Vs.

1. The State by
The Inspector of Police,
G-1, Vepery Police Station,
Chennai - 600 007.

2. R.V.Rajendran ... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No.11 of 2018 on the file of the first respondent and quash the same.

For Petitioner : Mr.Prakash Goklaney
For Respondents : Mr.M.Mohamed Riyaz
For R1 : Additional Public Prosecutor
For R2 : No appearance

O R D E R

This petition has been filed to quash the FIR in Crime No.11 of 2018 on the file of the first respondent, registered for the offences under Sections 294(b) and 323 of IPC, as against the petitioner.

2. The case of the prosecution is that the defacto complainant/ second respondent was a house broker and he received a sum of Rs.3,000/- as commission from the first accused for getting a house for rent. But the first accused did not take the house and asked the defacto complainant to return back the commission amount. The defacto complainant repaid a sum of Rs.2,000/-and delaying the repayment of Rs.1,000/-. Hence, the first accused sent the petitioner to collect the amount of

Rs.1,000/- and the petitioner threatened the defacto complainant with dire consequences. Hence the complaint.

3. It is seen that the petitioner is the second accused and to make out the offences under Sections 294(b) and 323 of IPC, there is absolutely no averments as against the petitioner. The FIR itself is a clear abuse of process of law and to met the ends of justice, this Court is inclined to quash the FIR.

4. Accordingly, this Criminal Original Petition stands allowed and the FIR in Crime No.11 of 2018 on the file of the first respondent, is hereby quashed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Inspector of Police,
G-1, Vepery Police Station,
Chennai - 600 007.
2. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.Prakash Goklaney, Advocate Sr.29458

CrI.O.P.No.28764 of 2018
and CrI.M.P.No.16789 of 2018

rk[co]
srg 24/04/2019

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