

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.30014 of 2018
and CRL.M.P.No.17628 of 2018

1.A.S.K.Ashraf Ali
2.A.Sathik Ali
3.A.Bilal Ali

... Petitioners

Vs.

1.The State represented by the
Inspector of Police,
District Crime Branch,
Salem District
(Crime No.3 of 2016)

2.R.K.Santhalakshmi

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records to FIR in Cr.No.3 of 2016 dated 06.04.2016 on the file of the Inspector of Police, District Crime Branch, Salem District and quash the same.

For Petitioners : M/s.G.Sumitra
For Respondent : Mr.M.Mohamed Riyaz
Addl.Public Prosecutor

O R D E R

This petition has been filed challenging the F.I.R. registered by the respondent police in Cr.No.3 of 2016, against the petitioners for an offences under Sections 406, 420, 506(i) of I.P.C.

2. The learned counsel for the petitioner would submit that a business transaction which is purely Civil in nature has been given a Criminal colour and no offence has been made out against the petitioners. The learned counsel would further submit that the amount that is claimed by the defacto complainant is unsustainable since it is his admitted case that he has already received the goods from the petitioners.

3. The grounds that have been raised by the learned counsel for the petitioner are factual in nature and the same needs to be investigated by the respondent Police. That apart, it is seen from records that the petitioners had approached this Court seeking for anticipatory bail and this Court has granted anticipatory bail in Crl.O.P.No.4138 of 2016 by an order dated 29.04.2016 and has imposed the condition to the petitioners to deposit a sum of Rs.2,00,000/-. This condition has not been complied with by the petitioners. Therefore, going by the conduct of the petitioners, this Court is not inclined to entertain this Criminal Original Petition.

4. In the result, the Criminal Original Petition is dismissed. The respondent police is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ub

To

1.Inspector of Police,
District Crime Branch,
Salem District

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Anandhavalli, Advocate, S.R.No.189

सत्यमेव जयते

CRL.O.P.No.30014 of 2018
and CRL.M.P.No.17628 of 2018

RK(CO)
GSP(23/01/2019)

WEB COPY