



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP (MD) . No.17980 of 2015

and

M.P. (MD)No.1 of 2015

G.Balamurugan

... Petitioner

Vs

1.The State Rep, by its
The Inspector of Police,
Tallakulam Police Station,
Madurai District.
(Crime No.997 of 2015)

2.S.Murugan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records from the respondent police in Crime No.997 of 2015, and quash the same as illegal.

For Petitioners	: Mr.Jeyakumaran
For Respondents	: Mr.A.Robinson
	Govt. Advocate (Crl. Side) for R1
	: No appearance for R2

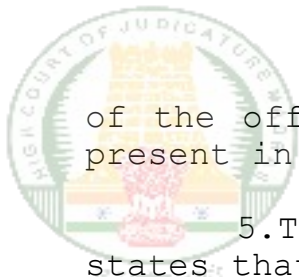
O R D E R

The petitioner is figuring as accused in Crime No.997 of 2015, on the file of the Inspector of Police, Tallakulam Police Station, Madurai District, registered for the offences under Sections 406 and 420 of I.P.C. The defacto complainant is the second respondent herein. To quash this FIR, this criminal original petition has been filed.

2.Even though the defacto complainant has been served and his name is printed in the cause list, he has not chosen to enter appearance either through counsel or in person.

3.The case of the defacto complainant is that the petitioner herein received a sum of Rs.4,00,000/- in the year 2013 with a promise to convey a plot of land in Panankadi village.

4.The grievance of the second respondent is that the petitioner did not honour his commitment. If that be so, the only course open to the second respondent is to file a suit of specific performance and not file a criminal case. None of the ingredients



of the offences set out under Sections 406 and 420 of I.P.C., are present in this case. Hence, the impugned FIR stands quashed.

5.The learned counsel appearing for the petitioner fairly states that the petitioner had infact entered into an agreement with the second respondent as early as on 24.12.2012 and that he had received a sum of Rs.2,00,000/- as advance. The petitioner is very mucy willing to abide by the terms of the agreement dated 24.12.2012.

6.In view of the above, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CrI.Side)

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/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Inspector of Police,
Tallakulam Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-103133[F] dated 03/12/2019)

CrI.O.P. (MD)No.17980 of 2015
29.11.2019

AP(04/06/2020) 2P 4C