



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.23288 of 2015

K.Pandy

... Petitioner/Accused

Vs.

1. The State,

Rep. by the Inspector of Police,
Thirumangalam Town police station,
Thirumangalam,
Madurai District.

(Crime No.559 of 2015) ... Respondent/Complainant

2. V.Sudhakar

... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in connection with First Information Report in Crime No.559 of 2015 pending investigation on the file of the first respondent and quash the same.

For Petitioner : M/s.J.Saranya,
for M/s.N.Sathish Babu.

For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).

For R-2 : Mr.T.C.S.Thillainayagam

O R D E R

The petitioner is figuring as an accused in Crime No.559 of 2015 on the file of Thirumangalam Town police station for the offences under Sections 406, 420 and 506(i) of I.P.C.

2. The defacto complainant is the second respondent herein. The second respondent wanted to sell the property and entered into an agreement with one Chakaravarthy. Since the said Chakaravarthy did not perform his part of the contract, the defacto complainant was looking for an alternate buyer. The petitioner appears to be a Real Estate broker and he got in touch with the defacto complainant and introduced him to another buyer. The defacto complainant admits that the other buyer agreed to buy the same for a sum of Rs.1,00,000/- as advance. The grievance of the defacto complainant that the petitioner after taking Rs.10,000/- as commission from him did not facilitate the finalisation of the



contract. This is the only allegation against the petitioner herein.

3. I fail to understand how the offences under Sections 406, 420 and 506(i) of I.P.C. are attracted. There is no entrustment. Even according to the defacto complainant, the petitioner introduced him to another buyer and also got him an advance amount. The sum of Rs.10,000/- received from the 2nd respondent probably represents his commission amount for the advance amount. The very registration of the First Information Report amounts to an abuse of legal process. Therefore the impugned FIR stands quashed. The criminal original petition stands allowed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Inspector of Police,
Thirumangalam Town police station,
Thirumangalam, Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.N.SATHISH BABU, Advocate (SR-103517[F] dated 05/12/2019)

+1 CC to Mr.C.VAKEESWARAN, Advocate (SR-103659[F] dated 05/12/2019)

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