

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.1734 of 2020 and
Crl.MP.No.1073 of 2020

K.Velmurugan,
S/o.A.Karuppasamy(Late),
No.43/A, Senthil Nagar,
1st Street, Seevaram Perungudi,
Kanchipuram,
Chennai- 600096 Petitioner

Vs.

1. State Rep. By.,
The Inspector of Police,
K 10 Koyambedu Police Station,
Chennai 600 107
(Crime No.1147 of 2019)

2.S.Ramkumar,
S/o Seeniraj,
No.22 Nethaji Nagar,
Nerkundram,
Chennai 600 107 ... Respondents

Prayer :- This Criminal Original Petition is filed under
Section 482 of Cr.P.C. praying to call for the records
pertaining to FIR in Crime No.1147 of 2019 dated 21.12.2019 on
the file of the first respondent Police and to quash the same.

For Petitioner : Mr.S.John J.Raja Singh

For Respondents

For R1 : Mr.S.Karthikeyan,
Additional Public Prosecutor

For R2 : Mr.L.Santhoshkumar

O R D E R

This criminal original petition has been filed
to quash the FIR in Crime No.1147 of 2019 on the file of the
first respondent Police registered for the offences under
Sections 420 and 506(ii) of IPC.

2.Heard, Mr.S.John J.Raja Singh, the learned counsel
for the petitioner, Mr.S.Karthikeyan, Additional Public
Prosecutor for the first respondent, and Mr.L.Santhoshkumar,
the learned counsel for the second respondent.

3. On perusal of FIR, the first respondent registered case on the allegation that on the request made by the petitioner herein to start up a company, the respondent in the month of March 2019, to develop the business of the petitioner herein lent a sum of Rs.8,00,000/- and in the month of June 2019 another sum of Rs.5,00,000/- as loan. On receipt of the same, the petitioner also executed pronote for the said sum. Thereafter, the petitioner did not repay the said loan amount and as such whenever the second respondent asked for repayment, the petitioner used to threaten him with dire consequences.

4. On perusal of FIR, the entire allegations are civil in nature. There is money dispute between the petitioner and the defacto complainant. Even according to the second respondent, the petitioner already borrowed a sum of Rs.13,00,000/- and he also executed pronote to the said amount. Thereafter, he did not repay the said amount and whenever he demanded the said amount, the petitioner used to threaten him with dire consequences. Therefore, the entire allegations are civil in nature and the second respondent have given criminal colour in the civil transaction. Insofar as the allegations for the offence under Section 506(ii) of IPC, there is absolutely no specific allegations as against the petitioner. There is also lack of material to attract the offences under Section 506(ii) of IPC.

5. Therefore, the FIR cannot be sustained as against the petitioner and it is liable to be quashed. Further, the FIR is nothing but clear abuse of process of law and the second respondent had given a criminal colour in the civil transaction between the petitioner and the second respondent.

6. In view of the above discussion, this Criminal Original Petition is allowed and the entire proceedings in Crime No.1147 of 2019 on the file of the first respondent Police is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

lok

To

1. The Inspector of Police,
K 10 Koyambedu Police Station,
Chennai - 600 107

2. The Public Prosecutor,
High Court of Madras.

Cr1.OP.No.1734 of 2020

RSV (CO)
GMY (28/08/2020)



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