

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.1027 of 2014
and M.P.No.1 of 2014

1.Anil Kumar Sethi

2.Chander Prakash Kothari

... Petitioners

-vs-

1.The State by its Inspector of Police,
Orleanpet Circle,
(Odiansalai Police Station),
Crime No.119 of 2013,
Puducherry.

2.The Joint Secretary to Government,
(Ports), Government of Puducherry,
Puducherry - 605 001.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Crime No.119 of 2013 pending investigation on the file of the 1st respondent and quash the same.

For Petitioners :Mr.N.Manokaran

For Respondents :Mr.Bharathachakravarthi

Public Prosecutor (Puducherry)

ORDER

The 1st respondent registered a case against the petitioners in Crime No.119 of 2013 for the offence under Sections 341, 427 r/w 34 IPC altered to Sections 420, 468, 471, 341, 342, 186, 353 IPC and Section 3 of PDPP Act, 1984 r/w Section 34 IPC, based on the complaint given by the second respondent. During investigation, the petitioners have filed the present petition invoking 482 Cr.P.C. to quash the F.I.R.

2.The learned counsel for the petitioners submitted that the alleged occurrence had taken place on 11.03.2005, whereas the complaint was given belatedly during the year 2013. It was bound by an agreement and an arbitration clause is also there. The dispute is purely civil in nature and therefore, criminal colour

cannot be given. Therefore, the complaint is liable to be quashed.

3.The learned Government Advocate (Crl.side) would submit that in the complaint given by the second respondent, prima facie, there are allegations found as against these petitioners. Therefore, the petition is liable to be dismissed.

4.On a careful perusal of the F.I.R., prima facie allegations are found as against these petitioners. Therefore, this Court is not inclined to quash the F.I.R.

5.Accordingly, this Criminal Original Petition is dismissed. Since the petition is pending from the year 2013 onwards, the 1st respondent Police is directed to investigate the matter within a period of six months from today and file a charge sheet in accordance with law, before the concerned jurisdictional Magistrate. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

rm

To

1.The Inspector of Police,
Orleanpet Circle,
(Odiansalai Police Station),
Crime No.119 of 2013,
Puducherry.

2.The Joint Secretary to Government,
(Ports), Government of Puducherry,
Puducherry - 605 001.

3.The Public Prosecutor,
Puducherry.

+1cc to M/s N.Manokaran, Advocate sr 16425

+1cc to the Public Prosecutor Puducherry ,sr 16936

Crl.O.P. No.1027 of 2014

GP(CO)
GS(21/05/2020)