

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.21113 of 2014
and M.P.No.1 of 2014

1.P.Arunkumar
2.P.Sudha
3.K.Prasad
4.Archana
5.R.Gladies
6.A.Prakash

..Petitioners

..Vs..

1.State by
Inspector of Police (Crime)
K-1 Sembiam Police Station
Chennai-600 011
(Crime No.1624/2014)

2.Guruviah

..Respondents

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for the records and quash the First Information Report in Crime No.1624 of 2014 on the file of the Inspector of Police (Crime) K-1 Sembiam Police Station, Chennai-600 011 as against the petitioners.

For Petitioners : Mr.K.R.Ramesh Kumar

For Respondents : Mr.R.Ravichandran,
Govt.Advocate (Criminal Side) for R1
R2- Notice not served.

ORDER

This petition is filed seeking to quash the FIR in Crime No.1624 of 2014 on the file of first respondent. Learned counsel for the petitioner would submit that the dispute between the petitioners and the 2nd respondent are civil in nature. Initially, they have entered into sale agreement and cancelled, subsequently, entered into Memorandum of Understanding.

Therefore, a civil suit is also filed in O.S.No.106 of 2013 pending before the District Munsiff, Thiruvotriyur. Therefore, the FIR has to be quashed.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the 1st respondent and perused the records.

3. The learned counsel for the petitioner would submit that since respondent Police could not investigate the case, when the matter came up on 10.02.2020, this court vacated the stay.

4. A perusal of the entire records shows that the allegation against the petitioners is regarding breach of trust, cheating and conspiracy. Therefore, the 1st respondent is directed to investigate the matter and then only truth will be revealed.

5. Therefore, considering the allegation levelled in the complaint, this court is not inclined to quash the FIR. Therefore, under these circumstances, this criminal original petition is dismissed. Consequently, connected Miscellaneous Petition is closed. The 1st respondent is directed to complete the investigation and proceed in accordance with law.

Sd/-

Assistant Registrar (C.S.IV)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police (Crime)
K-1 Sembiam Police Station
Chennai-600 011

2.The Public Prosecutor,
High Court of Madras, Chennai.

+1 cc to M/s.K.R.Ramesh, Advocate Sr.No.14454

AKM/13.03.2020/2P-4C /

Cr1.O.P.No.21113 of 2014