

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.19494 of 2014
and
M.P.No.1 of 2014

Santhana Raman

...Petitioner

-vs-

1. The Inspector of Police,
Law and Order,
Tirupur North Police Station,
Tirupur.

2. F.N.Durai,

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.272 of 2014 dated 26.06.2014 on the file of the Inspector of Police, Tirupur North Police Station for the alleged offences said to have committed under Sections 120(b), 409, 420 and 506(ii) of the Indian Penal Code and quash the same.

For Petitioner : Mr.Nithyaesh

For Respondents : R.Ravichandran for R1
Government Advocate (CrI.side)
No appearance for R2

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O R D E R

The first respondent registered a case against the petitioner based on the complaint given by the second respondent in Crime No.272 of 2014, for the offence under Sections 120(b), 409, 420 and 506(ii) IPC. The petitioner is shown as accused in the F.I.R. Pending investigation, the petitioner has filed present petition to quash the F.I.R.

2.The learned counsel for the petitioner submitted that there is a transaction between the second respondent and one Randhir G Maisuria in order to purchase a hotel in Florida, U.S.A. The petitioner acted as an agent between the second respondent and Randhir G Maisuria. The petitioner only introduced the said Randhir G Maisuria. The defacto complainant and the said Randhir G Maisuria entered into an agreement dated 03.05.2013. As per terms and conditions of the agreement, the second respondent had not acted upon. Further, the second respondent has also filed a suit against the vendor in U.S.A. and lost the suit. After losing the suit, he filed vexatious suit. The learned counsel further submitted that the transaction between the petitioner and the second respondent is purely civil in nature. He further submitted it is an international transaction and it is also bound by contract and it has already been tried in Civil Court at Florida, U.S.A. Therefore, the State Police viz., the first respondent has no jurisdiction to investigate the matter. Hence, the F.I.R. in Crime No.272 of 2014 is liable to be quashed.

3.Though the name of the second respondent is printed in the cause list, none appeared on behalf of the second respondent.

4.The learned Government Advocate (CrI.side) appearing on behalf of the first respondent Police would submit that there are specific allegations against the petitioner and only on investigation, the exact truth would reveal. He further submitted that part of transaction had taken place at Coimbatore, Tamil Nadu. At this stage, the probative evidence or materials cannot be gone into. Therefore, the petition is liable to be dismissed.

5.Heard the learned counsel on either side and perused the records.

6.Admittedly, the first respondent Police registered a case against the petitioner in Crime No.272 of 2014 for the offences under Section 120(b), 409, 420 and 506(ii) IPC, based on the complaint given by the second respondent, who is the defacto complainant herein. It is not in dispute that there is a transaction by the defacto complainant with one Randhir G Maisuria for purchase of a Hotel in Florida, U.S.A. The petitioner has acted as an agent for the second respondent for which he was paid commission. Prior to the agreement, all the negotiation took place only in India i.e., at Tiruppur and the petitioner has also demanded brokerage charges and it was also paid. Thereafter, the petitioner could not materialize the transaction between the second respondent and Randhir G.Maisuria. Therefore, when the second respondent/defacto complainant asked to return the commission, which was paid to

him, it is alleged that the petitioner had threatened him with dire consequences. Hence, he lodged the present complaint.

7. On reading the F.I.R., there is prima facie allegation as against this petitioner and also it is evident that there is a transaction between them with regard to buying and selling a Hotel at Florida, U.S.A. and a payment is also made to the petitioner at Tiruppur. Under such circumstances, this Court feels that it is not a fit case to invoke Section 482 Cr.P.C., to quash the F.I.R., in Crime No.272 of 2014.

8. Accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Law and Order,
Tirupur North Police Station,
Tirupur.
2. The Public Prosecutor,
High Court,
Madras.

+2ccs to Mr.Nithyaesh & Vaibhav, Advocate, S.R.No.10705

सत्यमेव जयते

Cr1.O.P. No.19494 of 2014

RM(CO)
KKV/17/07/2020

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