

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P No.6617 of 2021

and

Crl.M.P No.4388 of 2021

N.Ravindhran

... Petitioner / Accused

vs.

1.The Inspector of Police,  
R-6, Kumaran Nagar Police Station,  
Kumaran Nagar, Saidapet,  
Chennai - 600 015.

... 1<sup>st</sup> respondent / Complainant

2. K.Balasubramanian

... 2<sup>nd</sup> respondent / Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to FIR No.71 of 2021 on the file of the Inspector of Police, R-6, Kumaran Nagar Police Station, Kumaran Nagar, Chennai 600 015 and quash the same.

For Petitioner : Mr.N.S.Thanu Madhan

For R1 : Mr.M.Mohammed Riyaz,  
Additional Public Prosecutor

For R2 : Mr.K.Suthan

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ORDER

(Through video conference)

This Criminal Original Petition has been filed to quash the FIR in Crime No.71 of 2021, pending on the file of the 1<sup>st</sup> respondent police.

2.The case of the prosecution is that the petitioner is a builder and developer and that the 2<sup>nd</sup> respondent / defacto complainant intended to purchase a flat from the petitioner and paid an advance amount of Rs.15 Lakhs. Later, the 2<sup>nd</sup> respondent

has received an amount of Rs.1.5 Lakhs from the petitioner for his urgent needs and the balance amount of Rs.13.5 Lakhs was with the petitioner. Thereafter, the 2<sup>nd</sup> respondent / defacto complainant had asked the petitioner to repay the balance amount of Rs.13.5 Lakhs and the same was refused by the petitioner due to which, the 2<sup>nd</sup> respondent has lodged a complaint before the Inspector of Police, R-6, Kumaran Nagar Police Station, Kumaran Nagar, Saidapet, Chennai against the petitioner and a case was registered in Crime No.71 of 2021, for offence under Section 420 and 506(i) IPC.

3.The learned counsel appearing for the petitioner submitted that during the course of enquiry, the petitioner was paid an amount of Rs.1 Lakh to the 2<sup>nd</sup> respondent by way of Demand Draft and that the petitioner is willing to settle the entire balance amount of Rs.12.5 Lakhs. The learned counsel for the petitioner further submitted that the balance amount of Rs.12.5 Lakhs has been paid to the 2<sup>nd</sup> respondent by way of Demand Draft and the same has been received and acknowledged by the 2<sup>nd</sup> respondent and he would seek to quash the FIR.

4.The petitioner / accused and the 2<sup>nd</sup> respondent / defacto complainant were also present before this Court at the time of hearing.

5.It is seen that the petitioner has settled the balance amount of Rs.12.5 Lakhs to the 2<sup>nd</sup> respondent / defacto complainant by way of Demand Draft. The 2<sup>nd</sup> respondent / defacto complainant has also admits that he has received an amount of Rs.12.5 Lakhs by way of Demand Draft from the petitioner which was being the disputed amount. This Court is inclined to quash the First Information Report in Crime No.71 of 2021, on the file of the 1<sup>st</sup> respondent police.

6.In view of the above, this Criminal Original Petition stands allowed and the proceedings in Crime No.71 of 2021, on the file of the 1<sup>st</sup> respondent police, is quashed. Consequently, the connected miscellaneous petition also stands closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ssi

To

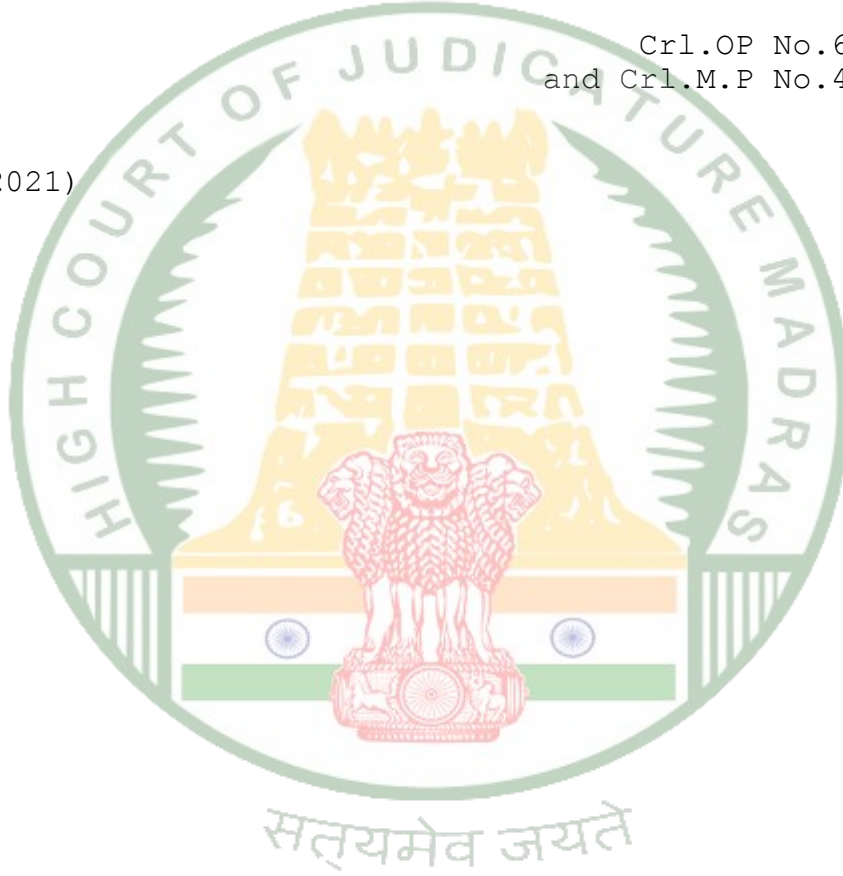
1.The Inspector of Police,  
R-6, Kumaran Nagar Police Station,  
Kumaran Nagar, Saidapet,  
Chennai - 600 015.

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

+2cc to Mr.N.S.Thanu Madhan, Advocate SR.26079

CrI.OP No.6617 of 2021  
and CrI.M.P No.4388 of 2021

RSI (CO)  
CB(01/07/2021)



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