

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.1778 of 2018
and
Crl.MP.No.679 of 2018

V.Jayapal

...Petitioner/Accused

.Vs.

1.State rep.by Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai 600 08.

...1st Respondent/
Complaint

2.G.Venkata Raman,
Brahim Street,
Karambakkam,
Porur, Chennai 600 116.

...2nd Respondents/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to impugned FIR No.1061 of 2017 dated 29.05.2017, on the file of 1st respondent police and quash the same.

For Petitioner : Mr.T.Sundaravadanam

For Respondent : Mr.C.Raghavan
Government Advocate for R1
No Appearance for R2

O R D E R

This criminal original petition has been filed to quash the FIR in Crime No.1061/2017, pending investigation on the file of the 1st respondent.

2.The 2nd respondent gave a complaint against the petitioner on the ground that the petitioner purchased a property and did not settle an amount of Rs.8 lakhs and when

this was asked, the petitioner has threatened and orally intimidated the 2nd respondent. Based on this complaint, an FIR was registered by the respondent Police for an offence under Section 406, 420 and 506(i) of IPC.

3. Heard Mr.T.Sundaravadanam, learned counsel for petitioner and Mr.C.Raghavan, learned Government Advocate appearing on behalf of the 1st respondent. The 2nd respondent has been served with notice and his name has also been printed in the cause list. He did not appear either in person or through counsel.

4.The allegations made in the complaint given by the 2nd respondent at the best can only be treated as a breach of contract and it is purely a civil transaction. The 2nd respondent has clearly attempted to give a criminal colour to a civil transaction. It is also seen that there was an earlier complaint given by the petitioner against the 2nd respondent on 20.05.2017, wherein it is alleged that the 2nd respondent received a sum of Rs.85 lakhs from the petitioner on the promise to secure a medical seat to the daughter of the petitioner. An FIR was also registered on the said complaint in Crime No.406/2017, by the CCB, Chennai.

5.The criminal proceedings against the petitioner is a clear abuse of process of law and it requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6.In the result, the FIR in Crime No.1061/2017, on the file of the 1st respondent is hereby quashed and accordingly, this criminal original petition is allowed. The learned counsel for the petitioner submitted that the petitioner has deposited the original title deeds of the property before the Judicial Magistrate I, Poonamallee, pursuant to the condition imposed in the order passed in the anticipatory bail petition. In view of quashing of the FIR, the Court below is directed to return back the original title documents to the petitioner. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Judicial Magistrate No.I,
Poonamallee.

2.The Chief Judicial Magistrate,
Chennai.

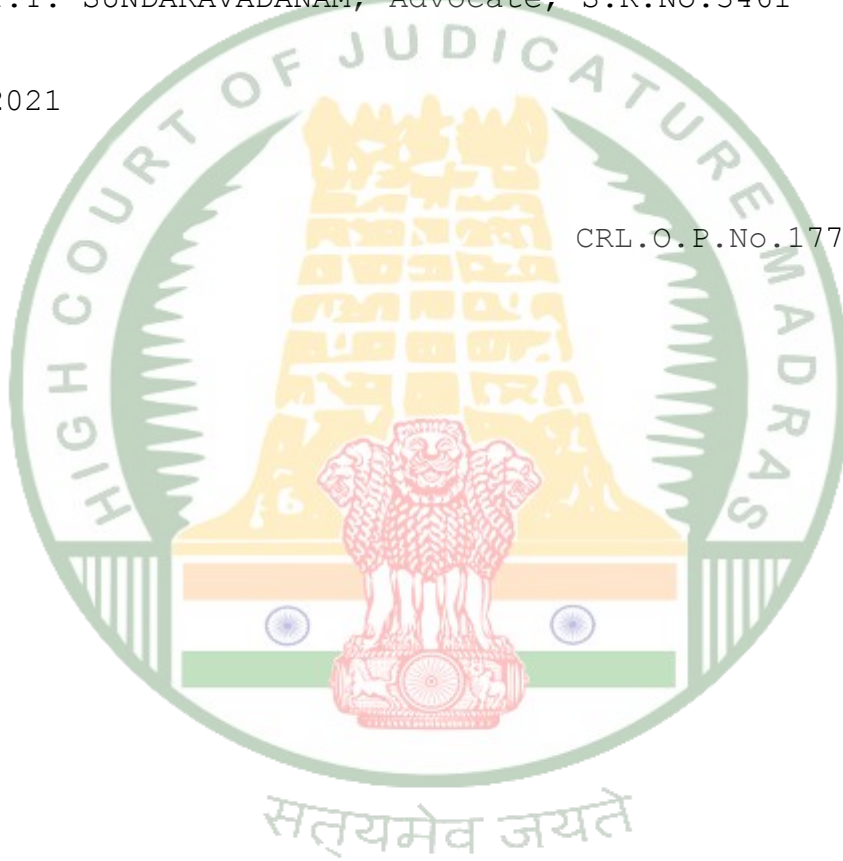
3.The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai 600 08.

4.The Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.T. SUNDARAVADANAM, Advocate, S.R.No.3461

UM(CO)
SM/12/02/2021

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