

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2021

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Cr1.OP No.8124 of 2021
and
Cr1.M.P No.5351 of 2021

Sandeep Nagarajan

... Petitioner

vs.

1.The State represented by
Inspector of Police,
Coimbatore City Crime Branch
Commissioner Office Campus
Coimbatore-641 018.

2.Raj Sekar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in Crime No.98 of 2017 dated 25/11/2017 on the file of the City Crime Branch (CCB), Coimbatore and quash the FIR with respect to the present petitioner.

For Petitioner : Mr. A.Parthasarathy

For Respondent : Mr.A.Damodharan for R1
Counsel for Government of Tamil Nadu
(Criminal Side) for R1

ORDER

This petition has been filed seeking to quash the FIR in Crime No.98 of 2017 filed against the petitioner/accused under Sections 120(B), 420 and 506(i) of IPC.

2. The present petition has been filed mainly on the ground that the disputed FIR has been dispatched before the trial Court only on 09.08.2015. On a perusal of the FIR, this Court is unable to countenance the contention of the learned counsel for the petitioner. There is only a breach of contract and there is no offence committed. The entire allegation in the FIR makes it clear that the contention of the petitioner cannot be accepted. Even while granting anticipatory bail to the petitioner, the petitioner agreed for the receipt of the money from the de-facto complainant and infact, promised to pay the remaining amount while getting anticipatory bail before the Principal District Judge, Coimbatore, in C.M.P No.191 of 2021. The petitioner has

agreed to pay the remaining balance in instalment basis. The de-facto complainant had shown some indulgence and expressed no objection. However, as agreed and promised, remaining huge amount of Rs.2 crores have not been paid by the petitioner. At any event, the nature of offence alleged and the allegation made in the FIR read together, this Court is of the view that there is no ground made out to quash the proceedings. It is a well settled law that the delay in dispatching the FIR to the Court cannot be a ground to quash the entire allegations. The Court will normally reluctant to interfere with the investigation proceedings and quashing the FIR. Only in exceptional situation like the very complaint itself is motivated or the allegation is frivolous and unlikely lead to conviction, the Court will interfere, otherwise the court will not interfere in quashing the proceedings.

3. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District Judge,
Coimbatore.

2. The Inspector of Police,
Coimbatore City Crime Branch
Commissioner Office Campus
Coimbatore-641 018.

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

Cr1.O.P. No.8124 of 2021

and Cr1.M.P No.5351 of 2021

SSD(CO)
GN(12/07/2021)