



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATISH KUMAR

Crl.O.P.No.10919 of 2017

&

Crl.M.P.Nos.7194 of 2017

D.Hemakumar

... Petitioner/Accused-A2

Vs.

1. State rep. By
Sub-Inspector of Police
Team - I, Central Crime Branch
Veppery, Chennai - 600 007

2. Mrs.Dhira Sambandham
Wife of Late Mr.Thirugnayanen Sambandham
Plot No.C324A, Door No.10
Sakthi Enclave, 6th Avenue, Ashok Nagar
Chennai - 600 083

... Respondents/
De facto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C to call for records in Crime No.488 of 2014 on the file of the Sub Inspector of Police, Central Crime Branch, Team I, Veppery, Chennai - 600 007 and quash the same.

For Petitioner : Mr.J.Milton Arulrajendran

For Respondents : Mr.R.Kishore Kumar
Government Advocate (Crl.side) for R1
R2 -Notice sent service awaited

ORDER

This Criminal Original Petition has been filed to quash the First Information Report registered against the petitioner/A2 in Crime No.488 of 2014 for the offences under Sections 406 and 420 IPC read with Section 34 of IPC on the file of the respondent police.



2. Heard the learned counsel for the petitioner.

3. It is submitted by the learned counsel for the petitioner that there is a civil dispute between the parties and a suit for specific performance filed by the petitioner is pending before this Court in C.S.No.518 of 2014 and an injunction has been granted in favour of the petitioner by this Court vide order dated 14.08.2014 and suppressing the pendency of the civil suit, the present complaint has been given by the de facto complainant and he prayed for quashing of the First Information Report.

4. Heard the learned Government Advocate (Crl.side) on the above submission and perused the entire materials placed before this Court.

5. Normally, the Courts do not interfere with the investigation, however, if the allegations in the FIR do not constitute an offence, there is no purpose in conducting the investigation, in case of civil dispute between the parties Court will certainly interfere. Moreover, the de facto complainant herself has invested money in the business and sustained loss, owing to which she executed and registered some documents. Though the allegations have been made as if the sale agreement came into existence without any consideration, the fact remains that all the documents are registered documents and the documents, which form part of the typed-set of documents prove the same. The suit in O.S.No.4710 of 2019 on the file of IV Additional City Civil Court is also pending. Furthermore, the complaint has been given on 18.12.2014 and the registration was done on 05.08.2013. If really there was a threat, the same could have been brought to the notice of the Registrar, but the same has not been done. The very basis of the complaint clearly indicates that this complaint is a counter blast of the civil litigation pending between the parties and the same is liable to be quashed.

Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.488 of 2014 on the file of respondent police is quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar



gpa/gba

To

WEB COPY

1. The Sub-Inspector of Police
Team - I, Central Crime Branch
Veppery, Chennai - 600 007
2. The Public Prosecutor
Madras High Court
Chennai-104.

+3cc to M/s.J.Milton Arul Rajan, Advocate SR.No.63906

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VSN-II (CO)
CB(17/12/2021)