



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.12.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.21757 of 2017 &  
Crl.M.P.Nos.12802 & 12803 of 2017

1. Duraisamy
2. Kuppayammal
3. C.R.Dharmalingam
4. R.Selvaraj
5. Vikranth

...Petitioners

Vs

Sundaram

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.No.145 of 2017 on the file of the Judicial Magistrate Court No.V, Salem and to quash the same and to allow the above Criminal Original Petition.

For petitioners : Mr.C.Prabakaran

For Respondent : No appearance

O R D E R

This petition has been filed to quash the charge sheet in C.C.No.145 of 2017 on the file of the Judicial Magistrate Court No.V, Salem against the petitioners for the offences under Sections 420, 120(B) and 417 of I.P.C.

2.The crux of the complaint is that the accused is running the finance. Though they were Government servants and the defacto complainant was in charge of the same and he run the finance and he has also collected the amount. The accused had also agreed to give him 25% of income. However, they have not paid any amount. Having agreed to pay Rs.17,50,000/- and the remaining amount has not been paid.



3. There is no representation for the respondent. Perused entire materials.

4. It is the contention of the learned Counsel for the petitioner that absolutely there is no material available on record to show that any of the offences made out for the alleged mere non payment of money, prosecution cannot be launched.

5. The entire grievance of the petitioner is that there is a dispute in sharing the profits in business and the accused allegedly not paid the settled amount. Except that no other allegations as to deception or fraudulent act used against the accused present in entire final report. Unless there is fraudulent and deception act played by the accused, mere breach of contract in the money transaction itself is not sufficient to proceed against the accused for the criminal offence.

6. In such view of the matter, this Criminal Original Petition is allowed and the proceedings in C.C.No.145 of 2017 on the file of the Judicial Magistrate Court No.V, Salem against the petitioners is quashed. Consequently, connected miscellaneous petitions are closed.

SD/-  
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

To

1. The Judicial Magistrate Court No.V,  
Salem.

2.-Do- Thro' The Chief Judicial Magistrate,  
Salem.

+1cc to M/s.C.Prabakaran, Advocate Sr.63586

CrI.O.P.No.21757 of 2017 &  
CrI.M.P.Nos.12802 & 12803 of 2017

ajs[col  
srg 17/12/2021