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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.28142 of 2018

And

Cr1.M.P.No.16370 of 2018

1.Venugopal
2.Geethavani

...Petitioners/Accused No.2 & 3

Vs.

1. The State represented by
Inspector of Police,
K-9, Thiru-vi-ka Nagar Police Station,
Pulianthope,
Chennai.

...Respondent/Respondent

2.K.Kumaran

...Respondent/Defacto Complainant

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records of FIR in Crime No.1305 of 2018 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Veeraraghavan

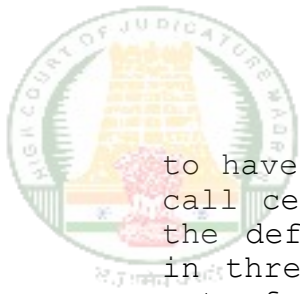
For Respondents : Mr.C.E.Pratap for R1
Government Advocate (Cr1.Side)

Mr.C.V.Kumar for R2

O R D E R

This petition has been filed seeking to call for the records in Crime No.1305 of 2018 on the file of the first respondent and to quash the same.

2.The facts of the case is that the petitioners are the parents of A1 and they are arrayed as A2 and A3. The defacto complainant is a borewell contractor. The accused got introduced to the defacto complainant during the year 2014. A1 is alleged



to have induced the defacto complainant saying that she is doing call centre business and to get project, she needs money and if the defacto complainant invests money, he will get good profit in three months and received money to the tune of Rs.23 Lakhs, out of which, a sum of Rs.12 Lakhs was given to A3. Thereafter the said amount was not repaid and the cheques issued for repayment of money, when presented, were returned as insufficient funds. Hence, he lodged the complaint.

3.The learned counsel appearing for the petitioners submitted that on earlier occasion the second respondent created nuisance to the petitioners by sending Corps to their house and thereafter, A1/ petitioners daughter approached the Joint Commissioner of Police and after enquiry, direction was issued to the first respondent not to interfere in the case hereafter and the said communication was duly received by the first respondent vide DISC No.216 / 2018 on 26.10.2018. Despite the same, the first respondent, in order to satisfy the second respondent has registered the case on 31.10.2018.

4.The learned counsel appearing for the petitioners further submitted that even on bare perusal of the complaint disclose that no cognizable offence has been made out. Only the cheques issued by A1 was returned. The second respondent instead of filing complaint under Section 138 of the Negotiable Instruments Act, has lodged this complaint, which is un-sustainable. He further submitted that already A1 filed CrI.O.P.No.18 of 2019 seeking to quash the F.I.R. in the very same crime number and this Court vide order dated 27.11.2020 allowed the said petition. Hence, there is no legal impediment to quash the F.I.R. insofar as these petitioners are concerned.

5.The learned counsel appearing for the second respondent did not dispute the facts submitted by the learned counsel appearing for the petitioners.

6.This Court also heard the submissions made by the learned Government Advocate (CrI. Side).

7.It appears that the cheques issued for repayment of money, when presented, were dishonoured. As rightly pointed out by the learned counsel appearing for the petitioners, the second respondent instead of filing complaint under Section 138 of the Negotiable Instruments Act, has lodged this complaint, which is un-sustainable. Further, this Court has already quashed the F.I.R. in the very same crime number in respect of A1. Hence, I have no hesitation to quash the F.I.R. in respect of these petitioners.



8. This criminal original petition is allowed and the F.I.R. in Crime No.1305 of 2018 on the file of the first respondent is hereby quashed in so far as these petitioners are concerned. Consequently, connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
K-9, Thiru-Vi-Ka Nagar Police Station,
Pulianthope,
Chennai.

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 CC to Mr.S.Veeraraghavan, Advocate, Sr.No. 44344.

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BS (CO)
PR(07/10/2021)