



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P. (MD)No.22155 of 2016and Crl.M.P(MDNo.11461 of 2016

1.Jeyagowri

2.Jayachandran

3.Senthil

4.Kathiresan

... Petitioners/A1 to A4

Vs.

1.The State, rep. by
Sub Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District,
(Crime No.735 of 2016.)

...1st Respondent/Complainant

2.Jacqueline Jansi

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the FIR in Crime No.735 of 2016 dated **(*)16.10.2016** on the file of the first respondent police and quash the same.

For Petitioners	: Mr.J.Jeyakumaran
For R1	: Mr.A.Thiruvadi Kumar
	Additional Public Prosecutor
For R2	: Mr.Vimal Raj

O R D E R

Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

2. This petition is filed to quash the First Information Report in Crime No.735 of 2016 on the file of the first respondent police. The case was registered pursuant to the complaint given by the second respondent herein, which indicates that the second respondent and the first petitioner namely, Jeyagowri were jointly running cracker business in the name and style of Pethanakshi Traders from 1996 to 2015. Since some misunderstanding arose between them, a compromise deed was entered into between them on 25.06.2016, wherein, the first petitioner and others agreed to get themselves disassociated from Pethanakshi Traders and started a business under new name and style of Rajarajeshwari Traders and they will not



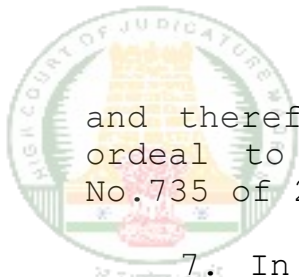
interfere in the trade and business of the second respondent which is carried on under the banner of Pethanakshi Traders. There was a specific understanding between the parties that E-mail and the addresses of the customers will not be misused by the first petitioner and others in the course of their business under the new name. However, alleging that the petitioners have breached the said agreement. Though they have started business in the name of Rajarajeshwari Traders, they still used the e-mail of Pethanakshi Traders and addresses of the customers for their benefit. It is further contended in the complaint that criminal breach of compromise deed by the first petitioner in connivance with the other petitioners tantamount to cheating, breach of trust, misrepresentation, which are liable to be punishable under Sections 117, 467, 468, 471, 406 and 420 IPC.

3. The present petition to quash the said First Information Report is filed on the ground that the petitioners have never breached the compromise made under the settlement dated 25.06.2016 and in fact, they have started their business under the name of Sri Rajarajeshwari Traders by obtaining license from the Collector, Virudhunagar District Vide proceedings dated 26.07.2016 and there is no iota of criminal intention to cheat or misrepresent or fabrication of documents regarding the use of e-mail ID and the customer's details. The petitioners contend that they have not committed any breach of trust as alleged in the complaint.

4. The learned counsel for the petitioners would submit that even if the contents of the First Information Report are to be taken as true, the ingredients for the alleged offences are absent and therefore, the First Information Report has to be quashed. The learned counsel for the petitioners would further submit that it is a settled principle of law that the First Information Report is not a encyclopedia of crime and quash of the First Information Report can be exercised under Section 482 of Cr.P.C only sparingly. This Court on perusing the records noticed that this is one such case, wherein this Court is bound to exercise its power under Section 482 Cr.P.C to quash the First Information Report since the contents of the First Information Report clearly indicated that the complaint has been lodged only out of business rivalry and some misunderstanding between the partners and nothing more.

5. The petitioners herein were familiar with cracker business and after dissolving with the partnership with the second respondent, had started business under the new name and style by obtaining necessary license. Therefore, their right to trade cannot be indirectly curtailed by way of complaint of this nature.

6. Therefore, this Court holds that the First Information Report in Crime No.735 of 2016 is frivolous and unsustainable and no <https://www.courtsofindia.org/> is made out, on the face of it against the petitioners



and therefore, the petitioners need not, in fact, participate in ordeal to trial. Hence, the First Information Report in Crime No.735 of 2016 on the file of Sivakasi Police Station is quashed.

7. In fine, this petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

(*)Amended as per order of this Court dated 01/09/2022 made in Crl.MP(MD)No.10261 of 2022 in Crl.O.P.(MD)No.22155 of 2016

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

CM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

(*) To be substituted to the order already despatched on 01/02/2022

1.The Sub Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District,

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.J.JEYAKUMARAN, Advocate SR.No.42461

Crl.O.P.(MD)No.22155 of 2016
and Crl.M.P(MD)No.11461 of 2016
13.12.2021

SAR(CO)

GC(28.01.2022) 3P 3C

RD(07/09/2022) 3P 4C