



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.10558 OF 2018

AND

CRL.M.P.NO.5414 OF 2018

P.Kathiresan

... Petitioner

Versus

1. The State Represented by
The Inspector of Police,
Pernampet Police Station,
Vellore District.
(Crime No.102/2018 dated 27.02.2018)

2. Mr.G.Kamalakannan

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the investigation in Crime No.102 of 2018 on the file of the respondent police for offences under Sections 420 IPC.

For Petitioners : M/s.C.Arun Kumar

For Respondents : Mr.R.Kishore Kumar
Government Advocate(Crl. side)
For R1

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the investigation in Crime No.102 of 2018 on the file of the respondent police for the offence under Sections 420 of IPC.

2. The crux of the allegation in the FIR is that the defacto complainant has borrowed a sum of Rs.15 Lakhs from his friend one Ramachandra Iyer and gave it to the petitioner, the same has not been repaid by the petitioner.



3. Learned counsel for the petitioner submitted that the entire allegation in the FIR indicates that the complaint itself was given since the money has not been repaid. Except that, there is no other allegation whatsoever made to show that the petitioner has deceived to part with the money. Therefore, merely the loan transaction will not amount to cheating in the absence of any intention to deceive the person. Hence, he prays to quash the proceedings.

4. This Court has perused the entire materials available on record. The FIR itself would not indicate anything about such inducement or deception or fraudulent act on the part of the petitioner herein to deceive the defacto complainant to part with the money. In such view of the matter, this Court is of the view that continuing the prosecution is nothing but futile exercise and abuse of process of law. Accordingly, the proceedings against the petitioner is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1. The Inspector of Police,
Pernampet Police Station,
Vellore District.
2. The Public Prosecutor
High Court, Madras.

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PL(CO)
PBS/07/02/2022