



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. 10620 OF 2018
AND CRL.M.P.NO. 5449 OF 2018

Sakthi Kumar

....Petitioner/Accused

Versus

1. Inspector of Police,
Manavala Nagar Police Station,
Tiruvallur District.
Cr.No.8 of 2018

... 1st Respondent / Complainant

2. Loganathan

... 2nd Respondent / Defacto Complainant

PRAYER :

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to FIR in Crime No.8 of 2018 on the file of the 1st respondent and quash the same.

For Petitioner : Mr. Mr. Rajkumar

For M/s.T.Muruganatham

Respondents : Mr.R.Kishore Kumar

Govt.Advocate (Crl. Side) [for R1]

: No Appearance [for R2]

O R D E R

This Criminal Original Petition is filed to quash the FIR registered against the Petitioner by the 1st Respondent Police under Section 420 and 506(ii) IPC.

2. The crux of the allegation in the FIR itself shows that the Petitioner has availed loan from the defacto complainant a sum of Rs.3,50,000/- for the construction of his house.



However, the petitioner has not returned the same even after repeated demands were made by the 2nd Respondent. Whenever the amount is demanded, the petitioner allegedly made an oral threat to the defacto complainant/2nd Respondent. Hence, 2nd Respondent made a complaint and the 1st Respondent police registered FIR in the above sections.

3. On perusal of the entire allegation it is nothing but mere loan transaction. There is no whisper with regard to deception on the part of the petitioner. Merely the amount has not been repaid in a loan transaction, offence under Section 420 IPC cannot be maintainable. Ordinary money transaction given a colour of criminal offence in this case. Even for the allegation of the alleged threat, except the vague allegation, there is no other material for registering the FIR. In such a view of the matter this petition is nothing but merely abuse of process of law and hence the same is liable to be quashed.

4. Accordingly, the FIR in Crime No.8 of 2018 on the file of the 1st Respondent is quashed. In view of the above, the Criminal Original Petition is Ordered. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ggs/sha

To

1. The Inspector of Police,
Manavala Nagar Police Station,
Tiruvallur District.
2. The Public Prosecutor,
High Court, Madras.

Crl. O.P. No. 10620 of 2018
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MT(CO)
PM/15/02/2022