



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.11397 of 2018
and Crl.M.P.No.5902 of 2018

Mr.S.Venkatachalamoorthy ...Petitioner /Accused

Versus

1. State rep by,
The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District,
Crime No.311/2017.

2. Kathiresan ...Respondents/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in connection with the case in Crime No.311 of 2016 on the file of the Inspector of Police, Karumathampatti Police Station, Coimbatore and quash the same.

For Petitioner : Mr.G.Rajesh

For Respondents : Mr.R.Kishore Kumar for R1
Government Advocate(Crl.Side)
No appearance for R2

O R D E R

This Criminal Original Petition has been filed to call for the entire records in connection with the case in Crime No.311 of 2016 on the file of the Inspector of Police, Karumathampatti Police Station, Coimbatore and quash the same.

2. The crux of the allegation is that the defacto complainant has borrowed a sum of Rs.6,50,000/- from the petitioner and he has also repaid a sum of Rs.8,50,000/- towards principal with interest. On 20.05.2015, at about 7.30 pm, the petitioner along with the landlord made a threat and demanded more money from the defacto complainant. Thereby, they committed the offence under Section 294(b), 506(i) of IPC.



3. This Court has perused the entire materials available on record. The FIR itself indicate that except the vague allegations that the petitioner abused the defacto complainant's family in filthy language, no other allegations whatsoever made in the complaint. Further, the defacto complainant was not present at the time of alleged threat made by the accused. The very allegation is with regard to the money transaction. Therefore, this Court finds that the very FIR itself is nothing but abuse of process of law, hence, further investigation cannot be allowed. In such view of the matter, the proceedings against the petitioner is quashed.

4. Accordingly, this Criminal Original Petition is allowed. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1. The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District,
2. The Public Prosecutor,
High Court, Madras.

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