



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.11403 OF 2018

AND

CRL.M.P.NO.5912 OF 2018

1. K.Manickkam
2. Saraswathi
3. M.Indhumathi

...Petitioners/Accused 2 to 4

Versus

1. State Rep by Inspector of Police,  
CCB Police Station,  
Salem City.  
Crime No.6/2018.

...Respondent/Complainant

2. Manikandan

...Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records with respect of Crime No.6 of 2018 pending on the file of 1<sup>st</sup> respondent and quash the same.

For Petitioner : Ms.N.Premalatha  
for Mr.R.Nalliyappan

For Respondents : Mr.R.Kishore Kumar for R1  
Government Advocate

: No appearance for R2

O R D E R

This Criminal Original Petition has been filed to call for the records with respect to Crime No.6 of 2018 pending on the file of 1<sup>st</sup> respondent, as against the petitioners.



2. The crux of the allegations in the FIR indicates that, at the instigation and inducement of one Manivannan, the husband of the third petitioner herein, the de facto complainant has invested the amount in RND Groups, however, the amount has not been repaid. When they went to the house to demand the amount, these petitioners assured for repayment, but the same has not been made. Thereafter, Manivannan has allegedly made a threat. Thereby, he lodged the complaint against the petitioners.

3. Learned counsel for the petitioners submitted that, in the F.I.R, absolutely there is no allegation made against the petitioners and the complaint has been filed implicating the entire family members of the petitioners and there is no specific overt act alleged against these petitioners except the allegation that the petitioners assured for repayment. Therefore, such conduct would not constitute any offence. Hence, he prayed to quash the proceedings against the petitioners.

4. Heard learned Government Advocate (Crl. Side) appearing for the respondent.

5. This Court has perused the entire materials available on record. As rightly pointed out by the learned counsel for the petitioner, except the allegation that, when the repayment amount was demanded by the defacto complainant from Manivannan in whose instance, the defacto complainant is said have deposited some amount, these petitioners have assured to repay the amount. Except that, no other allegation whatsoever has been made in the complaint. Therefore, this Court is of the view that, merely because the family members gave assurance to repay the amount when the de facto complainant demanded repayment of the amount, such act will not constitute the offence under section 420 of I.P.C.

6. In such view of the matter continuing the FIR against these petitioners is nothing but abuse of process of law. Hence the proceedings against the petitioners is quashed. Accordingly, this Criminal Original petition is allowed. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msv/nr



To

1. The Inspector of Police,  
CCB Police Station,  
Salem City.

2. The Public Prosecutor,  
High Court, Madras.

Crl. O.P. No.11403 of 2018  
and Crl.M.P.No.5912 of 2018

SRA (CO)  
RLP (31/01/2022)