



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.12364 of 2018 and
CrI.M.P.Nos.6561 of 2018 and 8047 of 2019

1.Vijayalakshmi
2.Dinesh

. . . Petitioners/
Accused 2 & 3

Versus

1.State By;
The Inspector of Police,
N2, Kasimedu Police Station,
Chennai.
(Cr.No.1741/2017)

...1st Respondent/Complainant

2.Yuganathan

. . .2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the proceedings in Cr.No.1741 of 2017, on the file of the N-2, Kasimedu Police Station, U/s.406, 420 and 506(i) of I.P.C registered on the basis of hte complaint made by the 2nd respondent

For Petitioners : Mr.D.Ashok Kumar

For Respondents : Mr.R.Kishore Kumar
Govt Advocate (CrI.Side)
: No appearance for R2

ORDER

This Criminal Original Petition is heard through Video-Conferencing, on account of COVID-19 pandemic situation.

2. This Criminal Original Petition has been filed to quash the proceedings in Cr.No.1741 of 2017, filed against the accused for the offence under Sections 406, 420 and 506(i) of I.P.C, on the file of the N-2, Kasimedu Police Station.

3. The very criminal compliant has been lodged by the Power Agent of the de facto complainant, who is none other than the son in law of the first petitioner and brother in law of the



second petitioner. The crux of the allegation indicate that the first petitioner had borrowed a sum of Rs.22,14,460/- from her son in law and his wife, namely the daughter of the first petitioner. Towards the above amount they have also agreed to sell the property situate in Chennai. When the power agent went to the house of the petitioners, they refused to sell the property thereby, they have committed an offence under Sections 406, 420 and 506(i) of I.P.C.

4. When prima facie allegation in the First Information Report itself indicates that it is a result of some money transaction between the mother-in-law and the son-in-law. The allegation further indicates that, only when the immovable property sought to be transferred in favour of the son-in-law, it was refused by the petitioners, a complaint came to be filed by the Power Agent of the son-in-law of the first petitioner.

5. At any event, the allegations do not indicate that there was a deception or fraudulent act on the part of the petitioners in receiving the money. Further, there is no written contract or whatsoever for the alleged sale of property and the very complaint itself has been lodged by an advocate being the Power agent, and the entire allegations even taken for its face value, do not constitute an offence and hence, this case is nothing but an abuse of process of law and the criminal law has been set in motion to settle the personal score between mother-in-law and his family on one side and the husband and wife on the other side. Accordingly, the FIR is liable to be quashed.

6. In the result, the criminal original petition is allowed and the proceedings in Cr.No.1741 of 2017, on the file of N-2, Kasimedu Police Station, are quashed. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

psa/asr

To

1.The Inspector of Police,
N2, Kasimedu Police Station,
Chennai.



2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Ashok Kumar, Advocate, S.R.No.2673

Cr1. O.P. No.12364 of 2018

GPL (CO)
CB(01/02/2022)