



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.6819 of 2020

and

CrI.MP.No.3726 of 2020

J.Chandrasekaran

...Petitioner/Accused

Vs.

1. The Inspector of Police (Crime),
K1, Sembium Police Station,
Chennai 600 011.

...1st Respondent/Complainant

2. R.G.Subashini

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the F.I.R. in crime No.497 of 2019 dated 29.06.2019 on the file of the first respondent.

For Petitioner : M/s.P.Selvamozhi

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.497 of 2019 dated 29.06.2019 on the file of the first respondent registered for the offences under Section 420 of IPC as against the petitioner.

2.The case of the prosecution is that the petitioner borrowed Rs.6,00,000/- from the defacto complainant on 14.08.2014 on promise that he will repay the same in two years. Thereafter, when the defacto complainant asked the petitioner after two years, he refused to return the money. Hence, the complaint.

3.Heard, M/s.P.Selvamozhi, the learned counsel for the petitioner, and Mr.A.Gopinath, Government Advocate(crl.side) appearing for the first respondent.



4. On perusal of the FIR, revealed that the petitioner while he was working as Special Sub Inspector of Police induced the second respondent to give a sum of Rs.6,00,000/- for his brother in law's marriage and borrowed the same. Thereafter, the second respondent found that the petitioner borrowed the said amount with intention to cheat the second respondent. Admittedly, the second respondent while lending money, that too such a huge amount of Rs.6,00,000/-, did not receive any document as security from the petitioner. Even assuming that the petitioner borrowed a sum of Rs.6,00,000/- from the second respondent, it is only a loan transaction and as such, offence under section 420 of IPC is not at all made out as against the petitioner. If at all the petitioner failed to repay the amount which was borrowed from the second respondent, the second respondent can very well file a suit for recovery of money from the petitioner in the manner known to law.

5. In view of the above, the FIR cannot be sustained as against the petitioner and the same is liable to be quashed. Accordingly, the entire proceedings in crime No.497 of 2019 dated 29.06.2019 on the file of the first respondent is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Inspector of Police (Crime),
K1, Sembium Police Station,
Chennai 600 011.

2. The Public Prosecutor,
High Court, Chennai - 600 104.

+2cc to M/s.P.Selvamozhi, Advocate, S.R.No.35121

CRL.O.P.No.6819 of 2020
and CrI.MP.No.3726 of 2020

SJ(CO)
RGA(30/06/2022)