



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.14938 of 2018

G.P.Thirumurugan

Director

M/s.RLT Instrumentation Private Limited

No.2, Ranjarajapuram 1st street

Kodambakkam

Chennai 600 078.

...Petitioner/Accused

Versus

1.State rep by

The Inspector of Police,

R-7, K.K.Nagar Police Station

Chennai-600 023.

...Respondent

2.C.K.Narendren

...Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the FIR pending on the file of first respondent police, registered in their Cr.No.215 of 2018 for the offences under Sections 406, 420 IPC.

For Petitioner : Ms.C.H.Vinobha Gandhi

For Respondents : Mr.R.Kishore Kumar for R1
Government Advocate(Crl.side)
M/s.G.Vrinda Ramesh for R2

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the FIR pending on the file of first respondent police, registered in their Cr.No.215 of 2018 for the offences under Sections 406 and 420 of IPC.

2.The crux of the allegation is that the defacto complainant is running a business of Electronic goods



manufacturing. As per the orders placed by the petitioner's company, he had supplied the electronic water quality checking machines and erected some machines in the sites at Gujarat. Further, the allegation is that the petitioner's company has paid only a small amount and not the entire amount to the defacto complainant. Hence, he lodged the complaint against the petitioner.

3. The learned counsel for the petitioner submitted that in the FIR, absolutely there is no allegation with regard to the criminal offence is made and the petitioner also given reply to the Police officials to return all the materials, as they have started replacing all the hardwares supplied by the defacto complainant. Despite the same, FIR has been registered against the petitioner. Therefore, the FIR is nothing but motivated and criminal colour is given in the civil dispute. Hence, he prayed to quash the proceedings.

4. This Court has perused the entire materials available on record. From a reading of the FIR, it is the case of the defacto complainant that they have supplied electronic water checking machines and deception played by the petitioner herein. Except that, there is no other allegation whatsoever made in the FIR to indicate anything about such deception or fraudulent act on the part of the petitioner. If the entire allegation in the FIR taken as face value, the same would not constitute any criminal offence against the petitioner. Therefore, in the absence of any allegation as to the deception or fraudulent activities, the offence under Section 420 of I.P.C. cannot be targeted against the petitioner. Primarily, the entire allegation with regard to the non payment of certain amount which is civil in nature and mere non payment of certain dues would not attract offence under Section 406 of I.P.C.

5. In such view of the matter, this Court is of the view that continuation of the prosecution is nothing but futile exercise and abuse of process of law. Accordingly, the prosecution against the petitioner is quashed and this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

msv/nr



To

1. The Inspector of Police,
R-7, K.K.Nagar Police Station
Chennai-600 023.

2. The Public Prosecutor
High Court, Madras.

+lcc to M/s.C.H.Vinobha Gandhi, Advocate SR. No.3132

+lcc to M/s.G.Vinodh Kumar, Advocate SR. No.3511

Cr1. O.P. No.14938 of 2018

NMI (CO)
PR (31/01/2022)