



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.8832 OF 2022

AND

CRL.M.P.NO.5151 OF 2022

Mr.Ashokan,
S/o. Ramasami

... Petitioner/Accused

Versus

1. The Inspector of Police,
Gengavalli Police Station,
Salem Dt.

... 1st Respondent/Complainant

2. M.Perumal,
S/o. Ramasami

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Crime No.69 of 2022 on the file of Gengavalli Police Station, Salem District and quash the same.

For Petitioner : Mr.M.Palanivel

For Respondents : Mr.A.Gokulakrishnan,
Addl. Public Prosecutor
for R1
No Appearance - R2

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. registered in Crime N.69 of 2022 for the offence under Sec.420 and 506(1) I.P.C.

2. The defacto complainant is none other than brother of petitioner. The allegation in the F.I.R. indicates that the defacto complainant advanced a sum of Rs.1,00,000/-, which has not been repaid. Thereafter, the accused has also abused him.



3. The learned counsel appearing for petitioner would submit that even the entire F.I.R. contents taken as as evidence and the same do not constitute any offence and it is purely a family dispute, which resulted in filing such a complaint. Hence, he prayed to quash the F.I.R.

4. Notice sent to the 2nd respondent/defacto complainant was served and despite the service of notice, none appeared on behalf of him.

5. Normally, the Courts would not venture into the validity of the statements, at the same time, statements contained in the F.I.R. do not constitute any offence, then continuing the prosecution is nothing, but futile exercise. On perusal of entire F.I.R., except stating that the accused being brother of petitioner, not paid the amount to the so-called complainant, no other allegation pressed into service for further investigation. Even the alleged threat is also general and no specific version was given. In such view of the matter, this Court is of the view that continuing the F.I.R. is clear abuse of process of law. Hence, the same is liable to quashed. Accordingly, this Criminal Original Petition is allowed and the F.I.R. in Crime No.69 of 2022 on the file of 1st respondent police is quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Inspector of Police,
Gengavalli Police Station,
Salem Dt.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.33448

CRL.O.P.No.8832 of 2022

GPL(CO)

RLP(16/06/2022)