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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9185 OF 2022

1. K.Gunasekaran
2. G.Prakash
3. G.Rani
4. G.Suresh

... Petitioners

Vs

1. The State Represented by
The Inspector of Police,
M1 Police Station,
Madhavaram, Chennai - 600 110.

2. K.Sarvalingam

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to pass an order to quash the FIR No.1254 of 2017 dated 04.07.2017 on the file of the Inspector of Police, M1 Police Station, Madhavaram.

For Petitioners	:	Mr.M.Ramachandran
For Respondents	:	
For R1	:	Mr.A.Gokulakrishnan Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to pass an order to quash the FIR No.1254 of 2017 dated 04.07.2017 on the file of the Inspector of Police, M1 Police Station, Madhavaram.

2. The case of the prosecution is that the petitioners are members of the same family conducted an Unregistered Chit and had received a sum of Rs.8,55,519/- from the second respondent/defacto complainant in various chits. When second respondent/defacto complainant requested them to repay the



amount, they have failed to repay the same and threatened the second respondent/defacto complainant and also vacated the house and gone away.

3. The learned counsel for the petitioners would submit that the petitioners are members of the same family and a false complaint has been given against them. He would further submit that the first petitioner is a real estate agent and a case of borrowal and non-return of money has been falsely projected as a case of cheating. He would further submit that in respect of the very same claim, a private complaint has been given by the second respondent/defacto complainant, and it was taken on file in C.C.No.2669 of 2022 before the XX Metropolitan Magistrate Court, Allikulam.

4. The learned Additional Public Prosecutor for the first respondent would submit that the petitioners who are the family members conducted an Unregistered Chit and they have collected an amount of Rs.8,55,519/- from the second respondent/defacto complainant and failed to repay the same to the second respondent/defacto complainant. When the second respondent/defacto complainant had demanded the amount, they have threatened the second respondent/defacto complainant. He would further submit that the proceedings under Section 138 of the Negotiable Instruments Act, 1881 and the prosecution under Section 420 of IPC are different proceedings. Further, the first respondent has also got sufficient materials to prove that the petitioners are involved in this case.

5. The learned Additional Public Prosecutor would further submit that the first respondent has completed the investigation and the final report has also been made ready and it has been filed before the Judicial Magistrate Court, Thiruvottiyur. Due to some administrative reason, it is now transferred to the District Munsif-cum-Judicial Magistrate Court, Madhavaram and it is yet to be taken on file.

6. The learned Additional Public Prosecutor for the first respondent would further submit that the grounds raised by the petitioner are factual in nature. Hence, he prayed for dismissal of this petition.

7. Heard both sides and perused the materials available on record.

8. The FIR is not an encyclopedia and it need not contain all facts and it cannot be quashed in the threshold. Further, it is stated that the investigation has been completed and the charge sheet has been filed.



9. In view of the above, this Criminal Original Petition is dismissed as infructuous.

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Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Inspector of Police,
M1 Police Station,
Madhavaram, Chennai - 600 110.
2. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.9185 of 2022

SMI (CO)
RLP (20/05/2022)