



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.17643 OF 2018

CRL.M.P.NO.9155 OF 2018

Ramesh

...Petitioner/Accused No.2

Versus

1.State represented by
The Inspector of Police,
R5, Virugambakkam Police Station,
Chennai-600092

...Respondent

2.John Stephen

...Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in culminating in F.I.R.No.266 of 2018, on the file of the Inspector of Police, Virugambakkam Police Station, Chennai alleging offences under Sections 387, 451, 341, 342 and 506(1) of the Indian Penal Code, dated 21.04.2018 and quash the same.

For Petitioner : Mr.S.Sivaraman

For Respondents : Mr.R.Kishore Kumar
Govt.Advocate (Crl.Side) for R1

ORDER

This Petition has been filed to quash the First Information Report in Crime No.266 of 2018, registered for the offence under Sections 387, 451, 341, 342 and 506(1) IPC, on the file of the first respondent.

2. The crux of the allegation in the First Information Report shows that the de facto complainant, who is said to be the producer of the film has received a sum of Rs.25,00,000/-



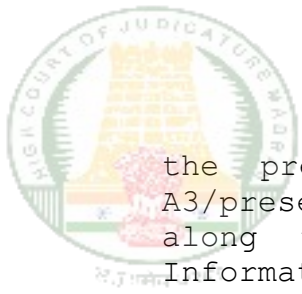
from A1 and A3. A2 the present petitioner is a broker. At the time of availing said amount, defacto complainant have given various securities and also signed blank papers. On 10.02.2017, despite payment of the said amount, A1 and A2 came with wooden sticks and threatened the defacto complainant that payment should be made within a period of two weeks. Further, they have also received signed papers and created a document as if the distribution of the film Veeramadevi was given to the accused for Chennai and Chengalpattu District. Thereby, the present First Information Report has been registered for the afore said offences.

3. The learned counsel appearing for the petitioner mainly submitted that this petitioner is only a broker, he is no way connected with the alleged occurrence of threatening the de facto complainant with rowdy elements. In over words, his contention is that dispute between the parties is purely a Civil dispute and prior to registration of the First Information Report, a suit has been filed by the de facto complainant in O.S.No.1652 of 2018, wherein no whisper whatsoever, with regard to the threat made by the A1 and A2 with the help of the rowdy elements. Whereas, First Information Report shows that it was given at a later point of time and such allegations have been introduced only to give color of criminal offence. Hence, submitted that prosecution itself is motivated to prevent the recovery of amount payable by the de facto complainant.

4. Heard both sides and perused the entire materials available on record.

5. When the First Information Report on the face of it discloses that it has been registered with some motive on the basis of a civil transaction and to evade recovery of money, the Court has power to interfere with such First Information Report and quash the same in the initial stage itself.

6. The crux of the allegation in the First Information Report indicate that the de facto complainant owe a sum of Rs.25,00,000/- to A1 and A3. This petitioner is A2, who is said to be a broker. The allegation in the First Information Report shows that the defacto complainant has paid a sum of Rs.2,00,000/- to A1. Further allegation is that despite, receipt of the amount, the accused came with rowdy, gundas and threatened the defacto complainant. Hence, First Information Report has been registered on 21.04.2018. Prior to that, it appears that the defacto complainant has also filed a suit in O.S.No.1652 of 2018 on 22.03.2018. In the entire plaint pleadings, it is no where mentioned that the A1 and A2 brought the rowdies and threatened the defacto complainant. Whereas, in



the present First Information Report, it is alleged that A3/present petitioner used to visit the de facto complainant along with rowdy elements. The allegations in the First Information Report clearly indicate that they have allegedly fabricated the document and signed blank papers have been given by the de facto complainant. Whether there was fabrication of document or not, the same can be easily gone into in the Civil suit. Admittedly, the papers have been left by the de facto complainant and he has signed the papers on his own. When the allegations appears to have been introduced only to escape from recovery of money and there are contradictory statements of the de facto complainant, this Court can easily come to the conclusion that the First Information Report is nothing but a motivated one to take vengeance and prevent recovery of money. Hence, the First Information Report is liable to be quashed as against the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and First Information Report in Crime No.266 of 2018, on the file of the first respondent is quashed as against the petitioner herein. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

psa/ggs

To

1. The Inspector of Police,
Virugambakkam Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Sivaraman, Advocate, S.R.No.4193

Crl.O.P.No.17643 of 2018

MG(CO)
RLP(18/02/2022)