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Crl.O.P.No.11039 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.11039 of 2021
and Crl. M.P. No.6512 of 2021

S.Nagarajan

... Petitioner

Vs.

1.The State

Sub-Inspector of Police,
Royapuram PS,
Washermenpet, Chennai.

2. Prasad Rao

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records in Cr. No.679 of 2019 on the file of respondent police and quash the same.

For Petitioner : Mr. V.Ramamurthy

For Respondent-1 : Mr.A.Damodaran, APP

2 : Mr. T.Sivagnanasambantham



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CrI.O.P.No.11039 of 2021

ORDER

This Criminal Original Petition has been filed to call for records in Cr.No.679 of 2019 on the file of respondent police and quash the same.

2. The case of the prosecution as it appears from the complaint given by the second respondent / *de facto* complainant is that on 31.01.2019 the petitioner came with some persons and wanted the *de facto* complainant to show his loan papers; when the defacto complainant showed the loan papers, the petitioner snatched away the documents. On the basis of the above complaint a case has been registered in Cr. No.679 of 2019 for the offence under Section 420 IPC.

2.1. In the complaint it is stated about the loan transaction made between the *de facto* complainant and the petitioner. It is alleged by the second respondent that on 10.08.2015 he gave a sum of Rs.3,47,000/- to the petitioner and during the year 2017 he acknowledged the said loan in Rs.20/- Stamp Paper dated 18.10.2017. Thereafter he made payments totalling a sum of Rs.2,30,000/- on various dates through bank transfer and he did not pay the



CrI.O.P.No.11039 of 2021

balance. The main allegation of the *de facto* complainant is that the petitioner had snatched away the papers from him.

3. The learned counsel for the petitioner submitted that the petitioner's mother one Narasamma has given a complaint on 27.01.2019 about the very same money transaction and on which petition enquiry was conducted and the matter was amicably settled; both the second respondent and his mother had given an undertaking that they had received their entire dues from the petitioner and they did not have any other claim against the petitioner; when the matter was settled between the parties, there is no necessity for the petitioner to go to the house of the second respondent and seize the alleged papers; the complaint is a false one and does not disclose any cognizable offence against the petitioner and hence the FIR should be quashed.

4. On a perusal of the records it is seen that on 27.01.2019 one Narasamma, the mother of the petitioner, gave a complaint by alleging that the second respondent came to her house along with rowdy elements and threatened her and the petitioner. It is seen that the matter was settled between



the parties and the parties have negotiated between themselves and executed an undertaking on 31.01.2019 that they did not have any claim against each other. The undertaking given by the second respondent would also show that he had solved the dispute between himself and the petitioner. Similarly the mother of the second respondent had also given an undertaking that the matter was settled amicably. In view of that no further action was taken on the complaint given by Narasammal.

5. The second respondent has alleged in the present complaint that on the very same day when he had given the undertaking, the petitioner came to his house and snatched the loan papers. The second respondent who had got back his money dues from the petitioner and executed an undertaking, had once again filed the complaint with bald and unbelievable statements. The complaint on the face of it is unbelievable. In the background of earlier transactions between the parties and their respective undertakings executed before the police during the enquiry of the complaint given by the petitioner's mother, I can only see the improbabilities for the present case. Hence I feel it is an appropriate case where this Court should exercise its power under Section 482 to quash the FIR.



CrI.O.P.No.11039 of 2021

6. In view of the above, this Criminal Original Petition is allowed and the FIR in Cr. No.679 of 2019 on the file of the respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
bkn

30.09.2022

To

1. The Sub-Inspector of Police,
Royapuram PS,
Washermenpet, Chennai.
2. The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.

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Crl.O.P.No.11039 of 2021

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