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Crl.O.P.Nos.9476 & 22170 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.Nos.9476 & 22170 of 2019

and

Crl.M.P.Nos.4988 & 11493 of 2019

Crl.O.P.No.9476 of 2019

1.Dr.Ravi Ponnusamy

2.Yamuna Ravi

... Petitioners

Vs.

1.State Rep.by
The Inspector of Police,
District Crime Branch,
Namakkal.

2.R.Ramesh

... Respondents

Crl.O.P.No.22170 of 2019

P.Elango

... Petitioner

Vs.

1.State Rep.by
The Inspector of Police,
District Crime Branch,
Namakkal.

2.R.Ramesh

... Respondents



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Common Prayer:- Criminal Original Petitions have been filed under Section 482 of Cr.P.C., praying to call for the records and to quash the F.I.R., dated 16.03.2019 in Crime No.06 of 2019 on the file of the 1st respondent.

For Petitioners in Crl.O.P.No.9476/19 : Mr.V.Karthik, Sr.C
For M/s.R.Krishna
Prasad

Sarvabhauman Associates

For Petitioner in Crl.O.P.No.22170/19: Mr.Balajisankara Moorthy

For R1 in in both Crl.O.Ps : Mr.N.S.Suganthan
Govt. Advocate (Crl.Side)

For R2 in both Crl.O.Ps : Mr.M.A.Gowthaman
For M/s.N.Bharani Kumar

COMMON ORDER

These two Criminal Original Petitions are filed to quash the First Information Report registered by the 1st respondent herein based on the complaint given by the 2nd respondent.

2. The said F.I.R., in Crime No.06 of 2019 dated 16.03.2019 indicates that the *de facto* complainant who came to know about one



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Ravi, S/o.Ponnusamy about his business got acquaintance with him and invested nearly Rs.6.73 crores by the complainant to the accused person by collecting money from his relatives. He has discharged the loan and he has so far paid Rs.7 crores as interest. The quash petitions are filed primarily on the ground that there is no offence made out under Sections 406, 420 & 506(i) I.P.C., even if the content of the F.I.R., is taken as proved in toto

3. The transaction between the *de facto* complainant and the accused are purely civil in nature, however, criminal colour has been given without iota of ingredients to attract Sections 406, 420 & 506(i) I.P.C.

4. It is contended that bare reading of the complaint would show that the remedy to the *de facto* complainant lies before the Civil Court by filing appropriate Suit and the criminal complaint is clear abuse of process of law.



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5. This Court, after hearing the counsels to ascertain the status of the complaint, called for report from the Inspector of Police. The Inspector of Police has filed a status report dated 29.09.2022, in which he has stated that the accused A1-Ravi appeared before the Inspector of Police on 17.09.2022 and given a statement. When he has denied the receipt of money from the *de facto* complainant, the *de facto* complainant has sought time to file documents to support his complaint. However, on complete reading of the F.I.R., this Court finds that some money transaction has taken place between the petitioners and the *de facto* complainant in connection with business and dispute regarding non payment has led to filing the impugned complaint, which is the subject matter of the petition.

6. As pointed out by the learned Senior Counsel appearing for the petitioners, the entire content of the F.I.R., clearly indicates that it is civil transaction and the ingredient of Sections 406, 420 & 506(i) I.P.C., are not attracted on applying the guidelines given by the Hon'ble Supreme Court in ***Bajanlal Vs. State of Haryana, [AIR***



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1992 SC 604]. A civil transaction has been given a criminal colour, which warrants interference under Section 482 of Cr.P.C. The remedy for the aggrieved respondent is to approach civil forum. The criminal complaint is abuse of law.

7. With the said observation, these Criminal Original Petitions are allowed. The F.I.R., in Crime No.06 of 2019 on the file of the 1st respondent is quashed. Consequently, the connected Criminal Miscellaneous Petitions are also closed.

28.10.2022

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Index: Yes/No
Speaking Order/Non Speaking Order

To

1.The Inspector of Police,
District Crime Branch,
Namakkal.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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