



CrI.O.P.No.23392 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.23392 of 2022
and CrI.M.P.No.14935 of 2022

M.Udaykumar

...Petitioner

Vs.

1.State Rep.by
Inspector of Police,
District Crime Branch Police Station
Villupuram.

2.Shri C.Dayalan

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records in and connected with Crime No.10 of 2022 on the file the District Crime Branch, Villupuram, quash the same.

For Petitioner : Mr.B.Sathish Sundar

For Respondents : Mr.S.Santhosh
Govt.Advocate (CrI.Side)



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ORDER

This Criminal Original Petition has been filed to quash the FIR registered in Crime No.10 of 2022 for the offences punishable u/s.420 IPC pending on the file of the 1st respondent police.

2.The learned counsel for the petitioner submitted that the petitioner received money from the complainant is true but it is only a business transaction and he is ready to repay the amount. He further submitted that there is no criminal element involved in this case. Therefore, he seeks to quash the petition.

3.The learned Government Advocate (Crl.Side) submitted that the matter needs investigation and objected to quash the petition. He further submitted that the petitioner borrowed a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) from the complainant from 2019 to 2020.

4.I have heard the learned counsel appearing for the petitioner, as well as the learned Government Advocate (Crl.Side) appearing for the



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respondents.

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5. On a perusal of the FIR, it is seen that the petitioner is an accused in the case registered in Crime No.10 of 2022 for offences punishable under Section 420 IPC registered by the respondent police on 21.04.2022. The petitioner approached the defacto complainant and assuring to make him as a partner in the United Power System and battery business, the complainant paid a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the petitioner on 12.12.2019 and periodically he paid amount to the petitioner and totally, he had paid a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only). Initially, he had assured that he will pay the profits for every three months but he had not followed his words and not paid any profit from the business. Thereafter, the defacto complainant came to know that he was cheated by the petitioner, hence, he gave the complaint. *Prima facie*, the allegation made out in the complaint has to be investigated.

6. This Court cannot denude the criminal Proceedings, if any business transaction involves in the criminal offence. Therefore, it does not meet the parameters laid down by the Supreme Court in *State of*



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Haryana vs. Ch.BhajanLal (AIR 1992 SC 604), M/s.Neeharika

Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC

online 315) & PRATIBHA RANI Vs. SURAJ KUMAR & ANR (1985

CrI.L.J.817), the matter has to be investigated to find out the truth.

Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore, I find no merit and investigation is to be conducted to find out the truth.

7.Accordingly, the Criminal Original Petition is dismissed.

Consequently, the connected miscellaneous petition is closed.

27.09.2022

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

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To

1. Inspector of Police,
District Crime Branch Police Station
Villupuram.

2. The Public Prosecutor,
High Court, Madras,
Chennai – 600 104.



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V.SIVAGNANAM, J.

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