



Crl.O.P.No.31225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31225 of 2022

P.Pradeep Chandra

... Petitioner

Vs.

1.The State,
The Inspector of Police,
N-2, Esplanade Police Station,
Chennai 600 014.

2.B.Balasubramanian
Respondents

...

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records to quash the First Information Report, dated 06.10.2022
registered in Crime No.323 of 2022, on the file of the first respondent.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.S.Santhosh for R1
Government Advocate (Criminal side)



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.323 of 2022 pending on the file of the first respondent police .

2. The learned counsel petitioner submitted that the petitioner is the Rice Mill owner and he has sold the rice worth about Rs.2,00,000/- to the defacto complainant. The defacto complainant has to pay a sum of Rs.50 lakhs to the petitioner in connection with the business transactions. When he requested the defacto complainant to pay his remaining money, a false case has been foisted against him. Hence, the present petition has been filed to quash the FIR.

3. The learned Government Advocate (crl.side) for the first respondent submitted that the investigation is pending and the now the respondent police filed alteration report for inclusion of offence under Section 449 of IPC.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the first respondent.

5. On perusal of FIR shows that there was some business transaction



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between the defacto complainant and the petitioner. The defacto complainant has to pay a sum of Rs.2 lakhs to the petitioner. When the petitioner demanded the money, the defacto complainant on 01.10.2022 at about 1.56 pm, paid a sum of Rs.50,000/- and requested time to pay the balance amount Rs.1,50,000/-. Therefore, the petitioner scolded him using filthy language and assaulted him with both the hands repeatedly and also threatened him with dire consequences. All these incident have been captured in the CCTV camera.

6. From the allegation in the FIR, it is made clear that prima facie commission of cognizable offences has been made out for registering the FIR. It is apparent that there was some monetary dispute between the defacto complainant and the petitioner in connection with the business transaction. To find out the truth, investigation has to be go on. In this case, investigation is at the beginning stage. This case does not fit into the guidelines laid down by the Hon'ble Supreme Court in ***State of 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 Crl.L.J.817)*** for quashing. It is inappropriate to quash the FIR at the beginning stage. Therefore I find no merits in this petition.



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G.CHANDRASEKHARAN.J.,

shk

7.Accordingly, this Criminal Original Petition stands dismissed.

19.12.2022

Index:Yes/No

Internet:Yes/No

Speaking/Non speaking order

shk

To

1. The Inspector of Police,
N-2, Esplanade Police Station,
Chennai 600 014.

2. The Public Prosecutor,
High Court of Madras.

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