



WEB COPY

Crl.O.P(MD)No.19124 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19124 of 2021

and

Crl.M.P(MD)No.10628 of 2021

Anand Prabu

... Petitioner/Accused

Vs.

1.The Inspector of Police,
Central Crime Bench,
Madurai City.

... 1st Respondent/
Complainant

2.The Dean,
Madurai Medical College,
Madurai-625 020.
Represented by Rathinavel

... 2nd Respondent/
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Crime No.24 of 2021 pending on the file of the Central Crime Branch, Madurai City and quash the same as illegal very much against the spirit of the police standing order which specifically put an embargo to the respondent police to venture into the realm of civil overtures.

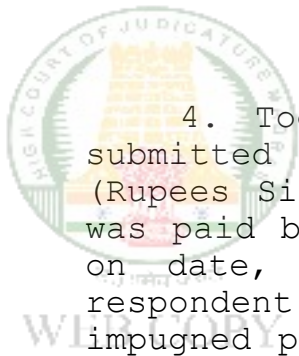
For Petitioner : Mr.W.Pameline
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner had entered into a contract with the second respondent for supplying the books and journals worth Rs.14,76,360/- (Rupees Fourteen Lakhs Seventy Six Thousand Three Hundred and Sixty only). Due to certain reasons, the petitioner could not fulfil the contract. He could deliver books and journals only to the tune of Rs.8,34,830/- (Rupees Eight Lakhs Thirty Four Thousand Eight Hundred and Thirty only). The hospital got a criminal case registered against the petitioner. Contending that there is only a breach of contract and that no criminal element is involved, this Criminal Original Petition has been filed.

3. When the matter was taken up for hearing, I indicated to the petitioner's counsel that I would be inclined to quash the FIR, if the balance amount is paid.



4. Today, when the matter was taken up for hearing, it is submitted that the balance amount to the tune of Rs.6,41,530/- (Rupees Six Lakhs Forty One Thousand Five Hundred and Thirty only) was paid by Demand Draft to the Madurai Medical College. Thus, as on date, in respect of the contract in question, the second respondent has not suffered any loss. The continuance of the impugned prosecution will definitely amount to an abuse of process of law. The impugned FIR is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Central Crime Bench,
Madurai City.
- 2.The Dean,
Madurai Medical College,
Madurai-625 020.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.19124 of 2021
and
Crl.M.P(MD)No.10628 of 2021
04.02.2022

RD(15/03/2022) 2P 4C