



WEB COPY



Crl.O.P.No.4093 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4093 of 2022
and Crl.M.P.No.2014 of 2022

K.C.Koushik

... Petitioner

Vs.

1.The State Rep. By
The Inspector of Police,
K4 Police Station,
6th Avenue, Anna Nagar,
Chennai-600 040.
(Crime No.643 of 2021)

2.Rajesh Kumar Agarwal

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the FIR in Crime No.643 of 2021 dated 16.09.2021, on the file of the Inspector of Police, K4 Anna Nagar Police Station, Chennai.

For Petitioners : Mr.M.Madhuprakash

For R1 : Mr.A.Gopinath

Government Advocate (Criminal Side)

For R2 : Mr.M.Santhanaraman

ORDER



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2. The second respondent gave a complaint to the first respondent to the effect that he is the absolute owner of the subject property by virtue of registered sale deed dated 20.03.2003. That apart, his wife had also purchased a property and both of them were in possession and enjoyment of the properties which were purchased by them. The property was also leased to M/s.Globe Transport Corporation and two separate agreements were entered into for one year which was extended subsequently. While so, the petitioner and his wife received summons in O.S.No.131 of 2020, pending on the file of the Sub court, Ponneri filed by the petitioner and one Karthick who are the sons of Chandrasekaran. During the pendency of the proceedings, one Janaki raman came to the residence of the second respondent and threatened him and informed the second respondent that they are the advocates for the petitioner and one Karthick and forced the second respondent to settle the dispute. For all these allegations, the FIR came to be registered by the first respondent in Crime No.643 of 2021 for the offences under sections 384 and 506(i) IPC as against the petitioner and two others.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.

4. In the considered view of this Court, the civil litigation is already pending before the concerned Court in O.S.No.121 of 2020. The parties will



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have to necessarily work out their remedy only in the pending Civil Suit. The second respondent has alleged that there was some threat from the lawyers appearing on behalf of the petitioner and one Karthick to settle a huge amount in order to resolve the dispute. Even if such allegation is taken to be true, there is no need for second respondent to concede for such a demand and second respondent can always agitate the dispute before the Civil Court. A dispute which is primarily civil in nature has been given a criminal color. The continuation of the investigation by the first respondent will result in abuse of process of law which requires the interference of this Court. It is made clear that the parties will adjudicate their rights only in the pending suit in O.S.No.120 of 20 on the file of the Sub Court, Ponneri and they will abide by the result in the Suit.

5. In the result, the FIR in Crime No.643 of 2021, pending on the first respondent is hereby quashed and this Criminal Original Petition accordingly stands allowed. Connected MP is closed.

10.07.2023

Speaking Order/Non-speaking Order
Index :Yes/No
Internet:Yes/No
mpa



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N.ANAND VENKATESH,J.

mpa

To

1.The Inspector of Police,
K4 Police Station,
6th Avenue, Anna Nagar,
Chennai-600 040.

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

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