



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.6081 of 2022
Crl.M.P.Nos.3380 & 3381 of 2022

S.Shankaran

... Petitioner

Vs.

1.State Rep. by its
The Inspector of Police,
PCR Cell,
Puducherry.

2.Anandan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the final report in STC No.156 of 2015 on the file of the Court of Chief Judicial Magistrate, Puducherry and all further proceedings pursuant thereto as against the petitioner.



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For Petitioner : Mr.T.Saikrishnan
For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
Puducherry for R1
Mr.R.Harikrishnan for R2

ORDER

This petition has been filed to quash the proceedings in pending in STC No.156 of 2015 on the file of the Court of Chief Judicial Magistrate, Puducherry.

2.The case of the prosecution is that the defacto complainant had borrowed a sum of Rs.1,05,00,000/- (Rupees One Crore and Five Lakhs only) from the petitioner during the period from 01.11.2008 to 02.06.2009 for which the petitioner had obtained blank cheques, promissory note, stamp papers etc., for security purpose. The further case of the prosecution is that the defacto complainant during the period from November 2008 to April 2009 had repaid back a sum of Rs.1,75,68,000/- (Rupees One Crore Seventy Five Lakhs and



Sixty Eight Thousand only) towards principal and interest. There was an agreement between the parties and thereby, a sum of Rs.50 Lakhs was also paid in two installments to the petitioner. The balance 20 Lakhs was also agreed to be paid by the defacto complaint and he demanded for the return of the documents that were taken as security. On 10.07.2014, the petitioner is said to have received the sum of Rs.20 Lakhs and he refused to return back the documents taken as security and when the defacto complaint demanded for the same, he was criminally intimidated and abused in filthy language using caste name of the defacto complainant and he was pushed away from the car. Based on these allegations, an FIR came to be registered in Crime No.06 of 2014.

3.On the completion of investigation, the final report was filed and it was taken on file by the Court below for offense under Section 506(i) of IPC and Section 7(1)(d) of the Protection of Civil Rights (PCR) Act, 1955.

4.Heard Mr.T.Saikrishnan, learned counsel appearing on behalf of the petitioner, Mr.M.V.Ramachandramurthy, learned Additional Public Prosecutor (Puducherry) appearing on behalf of the 1st respondent and Mr.R.Harikrishnan,



learned counsel appearing on behalf of the 2nd respondent.

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5. On carefully reading the allegations made in the final report and also the statement of the defacto complainant recorded under Section 161(3) of Cr.P.C., this Court finds that no offense has been made out against the petitioner. This is a case where there was a civil transaction between the petitioner and the defacto complainant and an attempt has been made to give it a criminal colour. Even earlier, the same defacto complainant, based on the same incident, filed a private complaint against the petitioner and other police officers and the said complaint came to be quashed by this Court in CrI.O.P.Nos.18717 etc., of 2015 by an order dated 19.11.2021.

6. In the considered view of this Court, the entire proceedings is an abuse of process of Court which requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.



7. In the result, proceedings in STC No.156 of 2015 pending on the file of the Court of Chief Judicial Magistrate, Puducherry, is hereby quashed and accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

25.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
SSR

To

1. The Chief Judicial Magistrate, Puducherry.
2. The Inspector of Police,
PCR Cell,
Puducherry.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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