



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5317 of 2021

And

Crl.M.P.No. 3404 of 2021

1. Karthick
2. Chitra ... Petitioners/Accused 1 & 2

Vs

1. State Rep. By Inspector of Police
District Crime Branch
Dharmapuri.
Cr.No.10 of 2020. ...Respondent/Complainant
2. V.Krishnan ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records with respect of Crime No. 10 of 2020 pending on the file of the first respondent and quash the same.

For Petitioners : Ms. N.Premalatha

For 1st Respondent : Mr.A.Damodaran
Additional Public Prosecutor

For 2nd Respondent: Mr.G.Ravikumar

**ORDER**

WEB COPY This Petition is to quash the FIR filed under Sections 147, 148, 420, 120B, 34, 427, 461, 471 & 506(ii) of IPC.

2. It is alleged in the FIR that the defacto complainant was introduced to the first accused in the year 2018; that the first accused had helped him in the real estate business done by the second respondent; that the first accused represented that the third and fourth accused were willing to sell their agricultural property measuring 15.74 acres for a total consideration 1,17,00,000/-; that based on the said representation, the defacto complainant paid an advance of Rs.forty lakhs to the third and fourth accused; that the defacto complainant further paid Rs.19,50,000/- initially to the first accused and thereafter paid another sum of Rs.21,58,000/-, totalling Rs.42,08,000/- to the first accused; that when the defacto complainant approached the first accused, the first accused and the second accused threatened them with dire consequences.

3. Ms.N.Premalatha, the learned counsel for the petitioners strenuously contended that the entire transaction is civil in nature. The allegations even if



accepted to be true, do not constitute any of the offences alleged. Earlier, the respondent had closed the complaint filed by the defacto complainant on the very same set of facts. The money transactions mentioned in the FIR have nothing to do with the alleged sale. The learned counsel further submitted that there is also civil suit pending against the parties and hence the FIR is an abuse of process of law.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that the allegations constituted the offences alleged and only an investigation would reveal whether any offences are made out as against the petitioners. The learned counsel further submitted that the investigation cannot be scuttled at the initial stage.

5. The learned counsel appearing for the Defacto Complainant reiterated the submissions made by the learned Additional Public Prosecutor and submitted that the defacto complainant has lost huge money on account of the false representation made by the first accused and prayed for dismissal of the quash petition.



6. This Court on the reading of the impugned FIR and the submissions made by the learned counsels on either side, is of the view that though the defacto complainant had originally filed a complaint which came to be closed the matter requires further investigation. Only an investigation would reveal whether the offences against the petitioners are made out or not. The submissions made by the learned counsel cannot be adjudicated at this stage. However, this Court finds that there are absolutely no allegations as against the second petitioner, who is the wife of the first petitioner. Even according to the FIR, the transaction took place between the first accused/ first petitioner and the defacto complainant. The alleged offences of criminal intimidation against the second petitioner is not made out. The impugned FIR does not state that there was any real threat so as to attract the offence under Section 506(ii) IPC against the second petitioner. Therefore, the impugned FIR in Crime No.10 of 2020 is quashed only in respect of the accused No.2 / second petitioner herein, namely, Chitra. The respondent shall conduct investigation in respect of the other accused and file the final report in accordance with law without being influenced by any of the observations made in this order within a period of two months from the date of receipt of a copy of this order;



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7. Hence, this Criminal Original Petition is partly allowed. Consequently, connected Civil Miscellaneous Petition is closed.

28.03.2023

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Inspector of Police
District Crime Branch
Dharmapuri.
2. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN. J.

vsg

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