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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

Crl.O.P.No.19729 of 2022

and

Crl.M.P.No.12982 of 2022

1.E.Velu

2.V.Tamilselvi

3.E.Nagarathinam

4.E.Murugan

..

Petitioners

Vs.

1.State rep.

The Inspector of Police,
Central Crime Branch II,
EDF-I Wing, Team I,
Chennai 600 007.

2.S.Mohankumar

..

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.

praying to quash the FIR bearing Crime No.196 of 2021 dated

06.11.2021 is frivolous and vexatious and is liable to be quashed

under Section 482 Cr.P.C.

For Petitioners :

Mr.V.Ramesh for
Mr.T.Thiyagarajan



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For Respondents : Mr.L.Baskaran, for R1
Govt. Advocate (Crl. Side)
M/s.S.Meenakshi for R2

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the proceedings against them in Crime No.196 of 2021 dated 06.11.2021 under Sections 406 and 420 of IPC pending on the file of the first respondent police.

2. Heard the learned counsel on both sides.

3. The contention of the learned counsel for the petitioners is that the 1st petitioner is the husband of the second petitioner, son of the 3rd petitioner and brother of the 4th petitioner. The 1st petitioner alone is aware of the transactions between the 2nd respondent and the 1st petitioner. He further submitted that the 1st petitioner and the 2nd respondent are financiers lending money to third parties. In the usual course of business transactions whenever there is a shortfall in meeting the demands of the customers, either the 2nd respondent or the first petitioner would



seek the help of each other and the deficit will be taken as a loan and lend to the third parties. During this transaction, third parties will secure the loan by depositing the documents relating to their property and the 1st petitioner would in turn handover those documents as security to the 2nd respondent. Both the 1st petitioner and the 2nd respondent have been dealing in financial transaction of nearly 15 years. It is also contended that the 1st petitioner for certain accounting purposes as used his mother's name which is clear from the audited balance sheet and there is no amount due and payable by the 1st petitioner and his family members to the 2nd respondent. He also submitted that a false case has been foisted by the second respondent/ de-facto complainant against the petitioners due to civil dispute.

4. The learned Government Advocate submitted that the statements made in the complaint constitutes the offence for which a case has been registered against the petitioners herein and hence, there is no basis for the petitioners to seek for quashing the same.

5. Heard the learned counsel on either side and the issue in



question is subjudice before the sole Arbitrator.

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6. Considering the submissions made on either side, this Court is of the view that the dispute among the parties is of civil in nature and it has been given a colour of criminality and hence, the case registered against the petitioners is liable to be quashed.

7. In the result, the Criminal Original Petition stands allowed. Consequently, the proceedings in Cr.No.196 of 2021 on the file of the first respondent herein is quashed. Consequently, connected miscellaneous petition is closed.

21.12.2023

Index:Yes/No

NCC :Yes/No

vkrr

To

1. The Inspector of Police,
Central Crime Branch II,
EDF-I Wing, Team I,
Chennai 600 007.

2.The Public Prosecutor,
High Court, Madras.



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VIVEK KUMAR SINGH.J,

vkr

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