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CrI.O.P.No.9959 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.9959 of 2023

and

CrI.M.P.No.6583 of 2023

S.Lingesh

...Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Central Crime Branch,
EDF ii, Team IV,
Vepery, Chennai – 600 007.
Crime No.70 of 2022

2.Selvakumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of FIR in Crime No. 70/2022 pending on the file of the Inspector of Police Central Crime Branch, EDF II, Team IV, Vepery, Chennai-600 007 under Sections 409, 420 read with 34 of IPC and quash the same.

For Petitioners : Mr.G.V.Sridharan

For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)



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ORDER

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This Criminal Original Petition is filed to call for the records of First Information Report in Crime No. 70 of 2022 pending on the file of the Inspector of Police Central Crime Branch, EDF II, Team IV, Vepery, Chennai-600 007 u/s 409, 420 read with 34 of IPC and quash the same.

2. It is the submission of the learned counsel for the petitioner that, First Information Report in Crime No.70 of 2022 was registered for the offences under Sections 409, 420 and 34 IPC. He further submitted that, as per the First Information Report allegations a sum of Rs.108,91,595/- was due from the accused to the defacto complainant. According to the learned counsel for the petitioner, this sum was paid to the defacto complainant. Therefore, registration of complaint, especially for the incident that happened in the year 2017 is nothing but an abuse of process of law. Thus, this petition is filed to quash the First Information Report in Crime No. 70/2022.

3. In response, learned Government Advocate (Criminal side) submitted that, if the petitioner produces the acknowledgment for repayment of the said amount, the same would be considered during the course of investigation.



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4. Considered the submissions and perused the records.

5. The perusal of the First Information Report allegations show that, defacto complainant/2nd respondent claims that the accused owes a sum of Rs.108,91,595/- in connection with supply of rice. Rice has been supplied on 10.04.2017, 18.04.2017 and 09.06.2017 through 11 containers to Singapore. After receiving rice, the accused failed to pay the amount and had gone incommunicado. Despite several steps taken by the defacto complainant, he is not able to recover the amount. It is also alleged in the First Information Report that accused had cheated several persons.

6. In view of the allegations made in the First Information Report, *prima facie*, this Court finds that, commission of cognizable offence by the accused is made against the defacto complainant. Even if there is a delay in registering the First Information Report, in the light of the facts of the case, the delay cannot be a sole ground for quashing the First Information Report. If really the petitioner had repaid the amount, due to the defacto complainant, it is open to the petitioner to produce necessary receipts/acknowledgments to



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the respondent police. On such production of the receipts/acknowledgments, respondent police is directed to take then into consideration during the course of investigation and file appropriate final report in the manner known to law. This Court finds that there is no merits for quashing the First Information Report in Crime No. 70 of 2022.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

01.06.2023

Internet :Yes
Index :Yes/No
gd

To:

1. The Inspector of Police,
Central Crime Branch,
EDF ii, Team IV,
Vepery, Chennai – 600 007.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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