



WEB COPY



Crl.O.P.No.12074 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12074 of 2021

and

Crl.M.P.No.6816 of 2021

1.Mr.T.Suresh Raja

2.Mahesh Babu

... Petitioners

Vs.

1. State Rep. by

Inspector of Police (Crime)

J-4, Kotturpuram Police Station,

Chennai-600085

(Crime No.185/2021)

2. Mrs.M.Shirijha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in Crime. No.185 of 2021 pending on the file of Inspector of Police, J4 Kotturpuram Police Station and quash the same or pass any other order as this Hon'ble Court may be deem fit and proper in the nature and circumstances of the case and thus render justice.

For Petitioners : M/s.P.Palaninathan

For Respondents : Mr.A.S.Balaji, Govt. Advocate (Crl.Side) [R.1]

: Mrs.M.Shirijha - party in person [R.2]



Crl.O.P.No.12074 of 2021

WEB COPY

ORDER

The petition is filed to quash the FIR in Crime No.185 of 2021 for the alleged offence under Sections 418 & 420 IPC.

2. The allegation in the FIR is that the defacto complainant had paid advance of Rs.11,25,000/- for the purchase of flat and since she could not purchase it, the advance amount was forfeited illegally by the petitioners who are the employees of IDFC first Bank limited.

3. It appears that the petitioner had filed a writ petition before this Court in connection with the same transaction in W.P. No. 20643 of 2022. In the said writ petition, this Court had made the following observations:-

"9. In the meanwhile, the petitioner had also given a complaint against the officials of the 2 nd respondent. This is condemnable. This cannot be permitted. The petitioner should, in all account, withdraw the complaint. The respondents were only acting in terms of a civil contract between them and the petitioner. There is no criminality attached to the claim of the



WEB COPY

2 nd respondent. There was no criminal intimidation. There is no motive. There is no mens-rea in the said act. It was a manner of interpretation of the agreement by the 2 nd respondent and the petitioner has her own interpretation of the agreement.

10. The 2nd respondent may take a decision to return back the amount. It would only be advisable that the petitioner also takes a conscious decision with respect to the First Information Report which had been lodged on a complaint given by her. If it is found that the said First Information Report had been lodged owing to the influence exerted as a Judicial Officer, then, the 2 nd respondent may point out that fact also before the Court where they have filed an application under Section 482 of Cr.P.C to quash the said complaint.

11. The 2nd respondent will then have a case against the petitioner for giving a false complaint against the petitioner. A direction is given that the 2nd respondent must refund the advance of Rs.11,25,000/- to the petitioner



Crl.O.P.No.12074 of 2021

WEB COPY

specifically without any interest, within a period of four weeks

from the date of receipt of a copy of this order "

4. Today, the learned counsel for the petitioners and the 2nd respondent (party in person) appeared before this Court.

5. The learned counsel for the petitioners had handed over a demand draft bearing No.636240 dated 24.04.2023, for a sum of Rs.11,25,000/- (Eleven Lakh Twenty Five Thousand Only) in favour of the 2nd respondent.

The 2nd respondent has received the said demand draft and has agreed to withdraw the impugned complaint. The second respondent has made an endorsement to that effect. In view of the endorsement made by the 2nd respondent and the observations made by this Court in W.P. No. 20643 of 2022, this Court is of the view that the impugned final report is liable to be quashed. Hence quashed. The petitioners and the 2nd respondent shall have no claim as against each other in future with regard to the transaction alleged in the impugned FIR.



Crl.O.P.No.12074 of 2021

6. Accordingly, the Criminal Original Petition stands allowed.

Consequently, the connected Miscellaneous Petition is closed.

26.04.2023

Index : Yes/No

Internet : Yes/No

Neutral Citation :Yes/No

shr/ay

To

1. The Inspector of Police (Crime)
J-4, Kotturpuram Police Station,
Chennai-600085.
2. The Additional Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.O.P.No.12074 of 2021

SUNDER MOHAN. J,

shr/ay

Crl.O.P.No.12074 of 2021
and
Crl.M.P. No.6816 of 2021



WEB COPY



Crl.O.P.No.12074 of 2021

26.04.2023