



Crl.O.P.Nos.13354 & 13256 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.13354 & 13256 of 2021

and

Crl.M.P.Nos.7285 & 7342 of 2021

- | | |
|----------------|--|
| 1) C.Ponraj | ... Petitioner in Crl.O.P.13354 / 2021 |
| 2) C.Saravanan | ... Petitioner in Crl.O.P.13256 / 2021 |

Vs

- 1) State Rep. by
Superintendent of Police,
Office of the Superintendent of Police,
Tiruvallur.
- 2) Sub-Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Tiruvallur-602 001.

- | | |
|------------------------------|---------------------------------------|
| 3) S.Delingston Bhagyanathan | ... Respondents in Crl.O.P.13354/2021 |
|------------------------------|---------------------------------------|

- 1) The State Rep. by the
Inspector of Police,
District Crime Branch,
Tiruvallur District.

- | | |
|-----------------|---------------------------------------|
| 2) S.Delingston | ... Respondents in Crl.O.P.13256/2021 |
|-----------------|---------------------------------------|



Crl.O.P.Nos.13354 & 13256 of 2021

Prayer in Crl.O.P.13354/2021:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR registered as Crime No.20 of 2021 dated 12.07.2021 on the file of the 2nd respondent and quash the same.

Prayer in Crl.O.P.13256/2021:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the impugned FIR in Crime No.20 of 2021 on the file of the 1st respondent police and quash the same.

(In Crl.O.P.13354 of 2021)

For Petitioner : Mr.C.R.Malarvannan
For Respondent 1 &2 : Mr.A.Gopinath,
Government Advocate (Crl.Side)
For Respondent 3 : No appearance

(In Crl.O.P.13256 of 2021)

For Petitioner : Mr.N.Manoharan
For Respondent 1 : Mr.A.Gopinath,
Government Advocate (Crl.Side)
For Respondent 2 : No appearance

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records relating to the impugned FIR in Crime No.20 of 2021 and quash the same.



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2. The petitioner in both the petitions are arrayed as Accused No.1 and

2. Therefore, this court is inclined to pass common order in both petitions.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent. Though notice was served on the 3rd respondent in Crl.O.P.No.13354 of 2021 and the 2nd respondent in Crl.O.P.No.13256 of 2021, no one appeared on behalf of them before this court either in person or through pleader.

4. The crux of the case is that complaint was lodged by the 3rd respondent in Crl.O.P.13354 of 2021 that both the petitioners are brothers. In order to develop their business of Iron Scrap, they borrowed a sum of Rs.42,00,000/- by transfer of money by cash and gave assurance to return the above mentioned loan amount within a period of three months. However they failed to repay the same as agreed by them. Hence a complaint was received and FIR in Cr.No.20 of 2021 was registered for the offences under section 420 r/w.34 of IPC.



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4. Even according to the 3rd respondent, money transaction between the petitioners and the said 3rd respondent held through one of the accused account and he transferred a sum of Rs.8,50,000/-and the remaining amount was paid by him as cash. No provision meant with to lend such huge amount of Rs.42,00,000/- without any security. Even assuming that the 2nd respondent lent Rs.42,00,000/- as loan to the petitioners it is purely a money transaction and no offence under section 420 of IPC is made out. If still the petitioners failed to repay the said amount the 3rd respondent may approach competent civil court for proper remedy.

5. Therefore, the entire proceedings initiated in FIR in Cr.No.20 of 2021 as against the petitioners are liable to be quashed. Accordingly, the entire proceedings in Cr.No.20 of 2021 is quashed and these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

07.11.2023

Index:Yes/No

Speaking/Non speaking order

gvn



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To

- 1) The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvallur.
- 2) The Sub-Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Tiruvallur-602 001.
- 3) The Inspector of Police,
District Crime Branch,
Tiruvallur District.
- 4) The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.
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Crl.M.P.Nos.7285 & 7342 of 2021

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