



Crl.O.P.No.12784 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12784 of 2023

1. A.Bhuvaneswaran

2. A.Sivakumar

... Petitioners

Vs.

1. State Represented by

Inspector of Police,
C-1, Flower Bazaar Police Station,
Chennai – 600 001.
Crime No.307 of 2022

2. K.Sanjay

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records culminated the impugned FIR in Crime No. 307 of 2022 dated 21.11.2022 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.S.Marshall

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records culminated in the impugned FIR in Crime No.307 of 2022 dated 21.11.2022 on the file of the 1st respondent police and quash the same.

2. The learned counsel for the petitioners submitted that, petitioners received a sum of Rs.2,59,000/- from the defacto complainant and paid to the 2nd accused, who agreed to supply the fire crackers ordered by the defacto complainant. It appears that, 2nd accused had not supplied the fire crackers. Petitioners are A1 & A3 and they are no way responsible for the non-supply of the fire crackers. A3/ 2nd petitioner had only delivered the goods sent by the 2nd accused. There is no criminal liability fastened on the petitioners. Therefore, present petition is filed.

3. In response, the learned Government Advocate (Crl. Side) submitted that, on the instructions of A1/1st petitioner, defacto complainant parted a sum of Rs.2,59,000/- for supplying fire crackers. But the 2nd accused instead of delivering fire cracker, he delivered waste materials. Therefore, defacto complainant gave a complaint, for which FIR in Crime No.307 of 2022 was registered and final report will be filed in due course.



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4. Reading of the FIR allegations show that, defacto complainant/2nd respondent had seen an advertisement given by the 1st petitioner in Youtube and contacted him for the supply of fire crackers. On the instigation of the 1st petitioner, defacto complainant had sent a sum of Rs.2,59,000/- on 17.10.2022 and 18.10.2022 to accounts of one Karthikeyan and Pasupathi. Thereafter on 22.10.2022 at about 8.00.p.m., A3/2nd petitioner delivered a consignment in a lorry bearing Reg. No.TN 18 AR 5658, when the defacto complainant opened it, he found that, there were no crackers in it, but only waste materials were available in the box. When the defacto complainant enquired about this, 1st petitioner scolded the defacto complainant and refused to repay the amount.

5. From the FIR allegations, it is clear that, commission of cognizable offence by the petitioners is made out. The submission of the learned counsel for the petitioners that, 2nd petitioner cannot be fastened with the criminal liability can be considered only after the investigation. If a positive final report is filed, this claim can be considered only in the trial. It is too early to conclude that the 2nd petitioner has no role in the cheating alleged to have been committed by the other accused. As of now, there are materials available



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to proceed further with the investigation. Therefore, this Court is not inclined to quash the FIR proceedings as against the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is also closed.

08.06.2023

Internet: Yes
Index: Yes/No
Sma

To:

1. Inspector of Police,
C-1, Flower Bazaar Police Station,
Chennai – 600 001.
2. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN, J.
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