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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19049 of 2023
and Crl.M.P.No.12740 of 2023

S.M.G.Srinivasan

... Petitioner

Vs.

1.State Rep. by
The Commissioner of Police,
M-4, Redhills Police Station,
Chennai – 600 052.
(Crime No.556 of 2023)

2.Rathnaraj Nelson

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.556 of 2023 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.R.Murali

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1



ORDER

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This criminal original petition has been filed seeking to quash the FIR in Crime No.556 of 2023 pending on the file of the 1st respondent police.

2.The quash petition was filed mainly on the ground that the alleged incident never took place on 07.06.2023 at 6.00 p.m., as stated in the complaint which resulted in the registration of the FIR in Crime No.556 of 2023. It was also brought to the notice of this Court that the 2nd respondent had filed an affidavit before the Court below to the effect that no such incident took place and that his signature was obtained in a complaint that was already prepared by the police. In view of this stand taken by the petitioner, this Court directed the 1st respondent to file a status report in this case. Accordingly, status report was filed and the Case Diary was also handed over to this Court.

3.On carefully going through the materials, it is seen that the FIR was registered on 14.06.2023 for the incident took place on 07.06.2023. There seems to be a business dealing between the petitioner and the 2nd respondent and the 2nd respondent is said to have supplied blue metals to the petitioner and the petitioner was due and payable a sum



of Rs.7,50,000/-. When this amount was demanded, the 2nd respondent is said to have been threatened by the petitioner at gun point.

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4.The 1st respondent in the course of investigation had examined the witnesses and had recorded the statements under Section 161 of Cr.P.C. The petitioner was also arrested and was remanded to judicial custody. That apart, it is also stated that there are two other cases pending against the petitioner and one case is pending trial in S.C. No.96 of 2023 and the other case is under investigation in Crime No.542 of 2023 before the same police station.

5.The *defacto* complainant was present before this Court. He categorically stated that there was a business dealing between him and the petitioner and that he knows the petitioner well. He further stated that the petitioner was due and payable a sum of Rs.7,50,000/- for the blue metal that was supplied and it was not repaid back. Hence, there was a dispute between the petitioner and the 2nd respondent. It seems that the petitioner has already settled the amount in favour of the 2nd respondent and the 2nd respondent acknowledged the same. He stated that there was no threat exerted by the petitioner and there was no occasion for threatening him on gun point. He stated that he never gave a complaint to that effect and he was made to sign a prepared complaint.



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6. The learned Additional Public Prosecutor vehemently opposed the claim made by the 2nd respondent. He submitted that it is now becoming a trend for hardened criminals to threaten the witnesses/complainant and to make them compromise the dispute and based on the same, petitions are filed before this Court. The learned Additional Public Prosecutor submitted that the antecedents of the petitioner has to be taken into consideration and this is not a fit case where the FIR can be quashed on the basis of compromise.

7. This Court has given its anxious consideration to the submission made by the learned Additional Public Prosecutor. In the instant case, there seems to be a business dealing between the petitioner and the 2nd respondent. The petitioner did not pay the amount that was due and payable for the supply of blue metals made by the 2nd respondent. This had resulted in a complaint. However, the 2nd respondent stated before this Court that he was never threatened on gun point and such a complaint was never given by him. He further stated that the amount has already been settled by the petitioner. In the light of this specific stand taken by the 2nd respondent, no useful purpose will be served in continuing further with the investigation, since the case will only end up in acquittal.



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8.This Court is aware that an FIR cannot be closed where the offence has an impact on the public interest at large. In the instant case, it was more in the nature of a private dispute between the petitioner and the 2nd respondent. Hence, the stand that has been taken by the 2nd respondent has to be necessarily taken into consideration. This Court also had the advantage of talking with the 2nd respondent and the 2nd respondent does not seem to have taken the above stand under any threat from the petitioner and the 2nd respondent has recovered the amount from the petitioner and therefore, the 2nd respondent is not interested in prosecuting this case.

9.In view of the same, the 1st respondent should not be wasting their time in further investigating the case in Crime No.556 of 2023.

10.In the light of the above discussion, FIR in Crime No.556 of 2023 pending investigation on the file of the 1st respondent police is hereby quashed and the criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

07.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr



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N.ANAND VENKATESH, J

SSR

To

- 1.The Commissioner of Police,
M-4, Redhills Police Station,
Chennai – 600 052.
- 2.The Public Prosecutor,
High Court, Madras.

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