



Crl.O.P.No.25707 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25707 of 2023

and

Crl.M.P.No.17836 of 2023

1.Tahir Ali Khan
2.Ravinder Kumar

... Petitioners

Vs.

1.State Rep.by
The Inspector of Police,
District Crime Branch,
Kanchipuram District.

2.Hang Seon Taek

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records and quash the First Information Report in Crime No.19/2020 on the file of the 1st respondent police.

For Petitioners : Mr.C.Arun Kumar

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to quash the FIR registered by the respondent police on 20.10.2020 in Crime No.19 of 2020.



2. According to the petitioner, a civil dispute for which already the petitioner herein tried to give criminal colour and laid the complaint before the Commissioner of Police, Noida, for the same again complaint been filed before the District Crime Branch, Kanchipuram District and taken for consideration on 12.03.2023. The petitioner has given a complaint against the defacto complainant [private respondent in this petition] and the same has been taken up for investigation in Crime No.64 of 2020 and the investigation is still pending. Contending that it is abuse of process of law seeks quash of the complaint.

3. The learned Government Advocate (Crl.Side) appearing for the State submits that the investigation in this matter is under way. Earlier summons under Section 91 Cr.P.C., was issued and there was no progress in the investigation. Later, the petitioner was served with summons under Section 41A Cr.P.C., for which he has given a reply on 05.09.2023. The allegations and counter allegations indicates that it is not purely civil dispute, some elements of criminality is involved, that is why the petitioner has made the allegations against the defacto complainant and the complaint is also pending investigation.



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4. In the said circumstances, this Court is of the view that the facts of the case does not fall under the parameter laid down in *Neeharika Infrastructure Pvt Ltd., /Vs/ State of Maharashtra and Others* reported in *2021 SCC Online SC 315* though in the petition it is claimed that it falls under the parameter. Hence this Criminal Original Petition is dismissed. Consequently, this Criminal Miscellaneous Petition is also dismissed.

10.11.2023

Neutral Citation : Yes/No
rpl

To

The Inspector of Police,
District Crime Branch,
Kanchipuram District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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