



WEB COPY

Crl.O.P.No.29685 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

Crl.O.P.No.29685 of 2022

and

Crl.M.P.No.18193 of 2022

S.Palanimalai

... Petitioner

Vs.

1.The State rep by
Inspector of Police,
District Crime Branch,
Ariyalur District.

2.Palanivel

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, calling for the records of the FIR in Crime No. 10 of 2020 dated 23.10.2020 pending on the file of the first respondent and quash the same.

For Petitioner

: Mr.M.Aravind Subramanyam

For R1

: Mr.R.Muniyapparaj,
Additional Public Prosecutor



ORDER

The Criminal Original Petition is filed to quash the FIR in Crime No.10

of 2020 registered by the District Crime Branch.

2. The complaint in Crime No.10 of 2020 indicates that cashew nut worth sum of Rs.20,73,630/- was delivered to the accused. After paying the advance sum of Rs.1,50,000/- on the delivery of cashew nut and subsequently, further sum of Rs.50,000/-, the petitioner had promised to pay the remaining sum of Rs.18,73,630/- on or before 17.11.2019. However, the petitioner had paid only a sum of Rs.50,000/- through Bank transfer and failed to pay the balance. When the defacto complainant went to the village of the petitioner for recovery of money, the petitioner was subjected to criminal intimidation and hence, complaint under Sections 409 and 506(i) of IPC were filed. To quash the said complaint, the petitioner has approached this Court by filing this Criminal Original Petition. Prior to the filing of the quash petition, the petitioner had sought for Anticipatory Bail in Crl.O.P.No.7694 of 2022 and in the said Anticipatory Bail, this Court had referred the matter to Mediation. As a condition, he had deposited a sum of Rs.2,00,000/- and the same was also withdrawn by the complainant. Meanwhile, the matter was referred to Mediation Centre and in the said Mediation, though the petitioner had agreed



to pay a sum of Rs.13,00,000/- after deducting a sum of Rs.2,00,000/-, which was already deposited, the complainant / defacto complainant did not come forward to accept the proposal.

3. Now, the learned Senior Counsel appearing for the petitioner submitted that even now the petitioner is ready to deposit the agreed sum of Rs.11,00,000/- but the defacto complainant is not heard for more than a year and his whereabouts is also not known.

4. A reading of the complaint substantially appears to be in business transaction except the allegation of threat and intimidation when the defacto complainant approached the petitioner for payment of money. In the said circumstances, since the petitioner has come forward to pay the balance sum of Rs.11,00,000/-, as agreed upon in the Mediation, it is sufficient to direct the petitioner herein to deposit the sum of Rs.11,00,000/- in Crime No.10 of 2020 on the file of the Judicial Magistrate II, Jayamkondan within a period of 60 days, till then the respondent police shall not file the final report. Before filing the final report, summons may be caused to the defacto complainant and inform about the proposal.



5. Accordingly, this Criminal Original Petition stands disposed of.

Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Neutral Citation : Yes / No

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To

1. The Inspector of Police,
District Crime Branch,
Ariyalur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

CrI.O.P.No.29685 of 2022



G. JAYACHANDRAN, J.

skr

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