



Crl.O.P.No.884 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

**Crl.O.P.No.884 of 2023
and
Crl.M.P.Nos.464 and 466 of 2022**

1. Anil Kumar
2.M.Muthuraman

... Petitioners

Vs.

M.Senthil Kumar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in the C.C.No.88 of 2015 on the file of the Judicial Magistrate No.1, Panruti, Cuddalore District and quash the same.

For Petitioners : Mr.P.Srinivasan

ORDER

This Criminal Original Petition is filed to call for the records in the C.C.No.88 of 2015 on the file of the Judicial Magistrate No.1, Panruti, Cuddalore District and quash the same.



2. Learned counsel for the petitioners submitted that respondent filed private complaint in C.C.No.88 of 2015 on the file of the Judicial Magistrate No.1, Panruti, Cuddalore District for the alleged offences under Section 415, 420, 506 (ii) of I.P.C.

3. The respondent made allegations that the petitioner / accused approached the respondent with TATA SAFARI vehicle bearing Registration No.PY-01 AG-1618 belongs to accused Nos.1 to 3 is ready for sale. Sale price was fixed at Rs.5,07,000/-. The respondent paid a sum of Rs.1,07,000/- to accused. It was agreed to pay the remaining balance amount of Rs.4,00,000/- and then the documents relating to the vehicle would be handed over to the respondent. Petitioners had not handed over the documents like R.C.Book, R.C.Clearance, Transport Form within the time promised. Petitioners wanted the respondent to pay the balance amount in installments at the rate of Rs.13,700/- per month for thirty months. As a security, petitioners received cheque from the respondent. After paying certain installments, the respondent wanted the accused to effect name change of the vehicle in his name. But the petitioners refused to effect the name change.



4. The petitioners presented the cheque which was issued as security for collection. After the cheque had been returned for the reason that there was no sufficient funds, they sent legal notice on 10.08.2012. They demanded the cheque amount from the respondent on 17.08.2013. Respondent paid Rs.4,26,250/- to them and got the cheque back. When the respondent asked the petitioners to effect name change of the vehicle, they had been retracting. Petitioners made criminal intimidation with the threat of death. Therefore, private complaint was filed. This case was taken cognizance by the learned Judicial Magistrate for the offences aforesaid.

5. It is the submission of the learned counsel for the petitioners that petitioners are not connected with the allegation made in the complaint. The allegations made in the complaint are totally false and the private complaint was executed only for the purpose of harassing the petitioners. It is his further submission that this case was quashed against the accused Nos.1 and 2 viz., 1.R.Sundararajan and 2.K.Sunil Kumar by this Court through order dated 20.10.2021 in Crl.O.P.No.22433 of 2015. This petition is filed to quash the proceedings against the petitioners herein in C.C.No.88 of 2015 pending on the file of the Judicial Magistrate No.1, Panruti, Cuddalore District.



Crl.O.P.No.884 of 2023

WEB COPY

6. The respondent was served and respondent's name is printed in the cause list. However, there is no representation for the respondent. When the matter came up before this Court on 16.03.2023, counsel for the petitioner was present and there was no representation for the petitioners. The matter was posted today for appearance of the respondent and for disposal. Today also, there is no representation for the respondent.

7. Considered the submissions made by the learned counsel for the petitioners and perused the records. The case in C.C.No.88 of 2015 came to be taken on file against the petitioners for the offences under Section 415, 420, 506 (ii) of I.P.C. The complaint allegations in gist are that, the petitioners / accused after receiving the sale consideration, refused to effect name change of the vehicle bearing Registration No.PY-01 AG-1618. When demanded name change, they had made a criminal intimidation with death threat. Previously, the respondent was not present before this Court after receiving notice. This Court also finds from the order passed by this Court in Crl.O.P.No.22433 of 2015 that the respondent did not appear continuously when the case was posted for hearing in Crl.O.P.No.22433 of 2015.



WEB COPY 8. It is seen from the Hire Purchase Agreement, Clause 27 very specifically states that in case there are any disputes between the parties arising out of the said Hire Purchase, the said dispute shall be settled by arbitration in accordance with the Arbitration Act.

9. The breach of agreement in a Civil contract will not give cause for giving a criminal complaint. The allegations made under the complaint are bald and vague allegations. Anybody can give complaint against anybody making allegations of criminal intimidation for attracting the offence under Section 506 (1) of the I.P.C. Obviously and apparently, it is seen that the criminal complaint was given by the respondent against the petitioners and others only with a view to harass them. There are no grounds made out for initiation of proceedings for the offences under Section 415, 420, 506 (ii) of I.P.C. The fact that the respondent did not appear to contest the petition in Crl.O.P.No.22433 of 2015 and in this petition, amply demonstrates that the respondent is not at all interested in prosecuting the petitioner, but he filed a criminal case with a view to harass them.



Crl.O.P.No.884 of 2023

10. Already the prosecution against A1 and A2 viz., 1.R.Sundararajan and 2.K.Sunil Kumar in Crl.O.P.No.22433 of 2015 was quashed and therefore, there is no possibility of getting conviction against the petitioners. The continuance of the proceedings in C.C.No.88 of 2015 is abuse of process of law and also harassment to the petitioners.

11. In view of the above, this Criminal Original Petition is allowed. Proceedings against the petitioners in C.C.No.88 of 2015 are hereby quashed. Consequently, the connected Miscellaneous Petitions are closed.

20.03.2023

ab

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
Neutral Citation Case: Yes / No

To:

The Public Prosecutor,
High Court of Madras.



Crl.O.P.No.884 of 2023

G.CHANDRASEKHARAN, J.

ab

Crl.O.P.No.884 of 2023

20.03.2023