



WEB COPY



Crl.O.P.No.34560 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.34560 of 2019 and
Crl.M.P.No.19158 of 2019

1.Krishnamurthy
2.Senthil Kumar
3.Rajkumar

... Petitioners

Vs.

1. The Inspector of Police,
T2, Ambattur Police Station,
Chennai.

2. Govindarajan
Director, Govindaraj Mudhaliyuar & Sons Pvt. Ltd.
No.46, Ambattur Industrial Estate,
Chennai-600 098.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records relating to the impugned FIR in Crime No.901 of 2018 dated 15.10.2018 on the file of Inspector of Police, T2 Ambattur Police Station, Chennai, quash the same.

For Petitioners : M/s.K.Muthu Ganesa Pandian

For Respondents : Mr.Leonard Arul Joseph Selvam
Govt. Advocate(Crl.Side) for R1
No appearance for R2



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ORDER

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This petition is filed to quash the FIR in Cr.No.901 of 2018 for the offences under Sections 406, 420, 294(b) and 506(i) IPC.

2. It is alleged in the FIR that the petitioners were due to pay money to the second respondent for the products supplied to them. The petitioners are said to have issued cheques in discharge of the said liability. However, the said cheques when presented for collection, were returned with an endorsement 'Payment stopped by the drawer'. When the defacto complainant made a demand, the petitioners abused him and also threatened him with dire consequences. Hence, they had lodged the impugned FIR.

3. Learned counsel for the petitioners would submit subsequent to the filing of the FIR, the petitioners have paid all the monies due to the second respondent. The second respondent has also agreed not to pursue the complaint.



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4. Learned Government Advocate (Criminal Side) submitted that the first respondent enquired with the second respondent with regard to the alleged settlement. He had given a letter dated 20.03.2023, authorising one L.Fazal Ahamed, to represent them in this case. The said L.Fazal Ahamed appeared in person. He confirmed the fact that the parties have settled the issue amongst themselves and the defacto complainant is not interested in prosecuting the case.

5. Learned counsel for the second respondent/defacto complainant also confirms that the parties have settled the issue and the FIR may be quashed recording the compromise.

6. This Court finds that the issue relates to a money dispute between the petitioners and the second respondent. Admittedly, the said dispute has been settled. Since the FIR arises out of a commercial dispute and the said dispute has been resolved, the impugned FIR is liable to be quashed.



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7. Hence, the impugned FIR in Cr.No.901 of 2018 dated 15.10.2018 is quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

20.03.2023

Index: Yes/No

Speaking / Non Speaking Order

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To

1. The Inspector of Police,
T2, Ambattur Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J

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