



Crl.O.P.(MD)No.1720 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.1720 of 2020

and

Crl.M.P.(MD)Nos.816 & 817 of 2020

1.Murugesan

2.Rajkumar

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Senthamaram Police Station,
Tirunelveli.
(In Crime No.12 of 2019)

2.Samy Sankar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the charge sheet in STC.No.1151 of 2019 on the file of the learned Judicial Magistrate, Tenkasi and quash the same.

For Petitioners : Mr.K.Navaneetharaja



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For R1 : Mr.M.Sakthi Kumar,
Government Advocate (CrI. Side)

For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in STC.No.1151 of 2019 on the file of the learned Judicial Magistrate, Tenkasi.

2.According to the petitioners, based on the complaint given by the second respondent, the first respondent registered FIR in Cr.No.12 of 2019 for the offence under Sections 294(b), 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002. Thereafter, the first respondent filed final report by deleting the Section 4 of TNPHW Act. The learned Magistrate also taken cognizance in STC.No.1151 of 2019 and the same is pending. As per prosecution case, both accused abused the second respondent in obscene words and also caused threaten to the second respondent. In fact, there is money dispute between the parties. The first petitioner lent money to the second



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respondent and when the same was asked to repay by the petitioners, a false case has been given by the second respondent. The first petitioner gave Rs.3 Lakhs and when the same was not repaid, the first petitioner asked for repayment and therefore, the defacto complainant preferred the present false complaint. No alleged occurrence was happened as alleged by the prosecution. The first respondent, without conducting proper investigation, filed final report. Therefore, pending charge sheet in STC.No.1151 of 2019 is abuse of process of law and the same is liable to be quashed.

3.No counter was filed by the respondent. No one appeared on behalf of the second respondent.

4.The learned counsel appearing for the petitioners would contend that the first petitioner gave a sum of Rs.3,00,000/- to the second respondent and the same was not repaid by him. Thereby, there was a quarrel arose between them. Immediately, in order to, evade the repayment, he preferred the present false complaint. The petitioners never abused or threatened the defacto complainant and no such



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occurrence was happened. The first respondent without conducting proper investigation, filed final report and hence, the impugned charge sheet is liable to be quashed.

5.The learned Government Advocate(Crl.side) appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent registered a case in Cr.No.12 of 2019 and thereafter, investigated the matter elaborately and filed final report as against the petitioners, since there are prima facie materials available to proceed with the case. Therefore, the petitioners have to face the trial and at this stage, this petition is liable to be dismissed.

6.Heard both sides and perused the materials available in the records.

7.It is admitted fact that there is money dispute pending between the parties. When the petitioners asked about the repayment of money, the alleged occurrence said to have taken place. Even according to the complain, FIR and charge sheet, the petitioner while asking about the



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repayment of the loan amount, the petitioner abused and threatened the defacto complainant with dire consequences. The above said allegations are not specific and vague allegation. On the face of records it shows that due to money dispute, complaint was lodged and civil dispute was converted into criminal colour and thereby, the pending charge sheet in STC.No.1151 of 2019 is abuse of process of law and the same is liable to be quashed.

8.In view of the above discussions, the charge sheet in STC.No.1151 of 2019 pending on the file of the learned Judicial Magistrate, Tenkasi is hereby quashed and accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

27.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Judicial Magistrate, Tenkasi

2.The Inspector of Police,

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Senthamaram Police Station, Tirunelveli.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J.

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