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Crl.OP.No.9320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

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THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.9320 of 2024
and Crl.M.P.Nos.3962 and 6504 of 2024

Dr.R.Aravind

... Petitioner

Vs.

1.The Inspector of Police
Chengalpattu Taluk Police Station
Chengalpattu 603 003

2.M/s.AAR Enterprises
Represented by its Manager
Mr.Pradeep
Respondents

...

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the impugned F.I.R. in Crime No.136 of 2024 registered on 22.02.2024 under Sections 420 and 406 I.P.C. on the file of the Inspector of Police, Chengalpattu Taluk Police Station, Chengalpattu District and quash the same.

For Petitioner : Mr.AR.L.Sundaresan
Additional Solicitor General

Respondents : S.Udaya Kumar
Government Advocate (Crl. Side)



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ORDER

This petition is filed to quash the F.I.R filed in Crime No.136 of 2024 dated 22.02.2024 taken up for investigation for the alleged offence under Sections 420 and 406 I.P.C.

2.The petitioner, who is arrayed as A2 states that the defacto complainant is a contractor for supply of vegetables and food for trainees. The term of contract is for a period of one year. It expired as early as 31.03.2023. Alleging that there is a breach of contractual term by allowing third parties to supply food, the present complaint being registered. However, the defacto complainant has already instituted a civil suit and the same is pending. The complaint, even on its face does not disclose any criminality either to attract offence under Section 420 or under Section 406 I.P.C. and therefore it has to be quashed since a civil dispute being given criminal colour.

3. The learned counsel for the 2nd respondent / defacto complainant submitted that on 31.03.2022 CLT&RI, Institute at Chengalpattu called for tender and pursuant to the tender notification, he participated in the tender and he was the successful bidder for the supply



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of eatables and beverages for the financial year 2022 to 2023. The contract was extended for another two months temporarily to meet out the exigency. However, the petitioner herein in connivance with one Varghese and Solomon started supplying food materials contrary to the terms of tender and breach of trust, thereby, the defacto complainant put to wrongful loss. It is contended that with a deceptive intention, the accused, who is the store incharge of CLT&RI had allowed the other two accused to supply materials contrary to the terms of contract.

4. This Court on perusing the terms of the tender and the complaint finds that there is no monopoly for the supply of material as per the contract and the alleged occurrence has taken place during the extended period of contract. For the redressal of his grievance, the defacto complainant has already instituted a suit before the learned Principal District Judge, Chengalpattu in O.S.No.161 of 2023 and the same is pending.

5. While the dispute is substantially civil in nature and appropriate redressal has already been sought before the Civil Court, the prosecution of the Central Government employee who is the petitioner herein, pursuant



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Dr.G.JAYACHANDRAN,J.

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to the complaint which does not disclose any ingredient of offence under Sections 406 or 420 IPC needs to be quashed following the dictum laidown by the Hon'ble Apex Court in *State of Haryana Vs. Bajanlal reported in [1992 (1) SUPP (SCC) 426]*. Therefore, the complaint against the petitioner / A2 alone needs to be quashed.

6.In the result, this Criminal Original Petition stands allowed. The case against the petitioner / A2 is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

17.04.2024

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Index : yes / no
Neutral Citation

To
1.The Inspector of Police
Chengalpattu Taluk Police Station
Chengalpattu 603 003

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104

Crl.O.P.No.9320 of 2024
and Crl.M.P.Nos.3962 and 6504 of 2024