



Crl.O.P.No.12277 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.12277 of 2022

and

Crl.M.P.No.6868 of 2022

1.N.Ramalingam

2.R.Priya

... Petitioners

Vs.

1.The State rep. by

Inspector of Police (Crime)

K-6, T.P.Chataram Police Station,

Chennai.

Crime No.289 of 2021

2.Bharat Kumar Modi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records and to quash the FIR in Crime No.289 of
2021, pending investigation on the file of the 1st respondent.

For Petitioners : Mr.P.Govindarajan

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

For R2 : Mr.P.Jesus Movis Ravi



Crl.O.P.No.12277 of 2022

ORDER

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The petitioners have filed this petition to quash the FIR in Crime No.289 of 2021 pending investigation on the file of the 1st respondent, for the offences under Sections 406 & 420 of IPC, as against the petitioners.

2. The case of the prosecution is that the defacto complainant, who is doing trading business in the name of 'Sigma Trading' and the petitioners herein, who are the father and daughter, respectively, manufacturing 'perfume incense sticks' (Agarbatti), were doing their business jointly from 2017, wherein the 2nd respondent invested money in advance, through his firm and the petitioners were manufacturing the Agarbattis. The 2nd respondent has invested Rs.33 lakhs to the petitioners for purchasing raw materials and for production cost. The petitioners failed to deliver the goods and not repaid the amount. Hence, the 2nd respondent gave a complaint against the petitioners before the 1st respondent.

3. The learned Counsel appearing for the petitioners submitted that without any basic ingredients a complaint was given by the 2nd respondent. Based upon the complaint given by the 2nd respondent the case was



Crl.O.P.No.12277 of 2022

registered in Crime No.289 of 2021 for the offences under Sections 406 & 420 of IPC. He further submitted that if at all any amount is to be paid it is only Civil in nature, in order to harass the petitioners criminal colour was given to the proceeding. Hence, he prays to quash the FIR in Crime No.289 of 2021 pending on the file of the 1st respondent.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that according to the defacto complainant the petitioners are bound to pay a sum of Rs.33 lakhs and also created a focus invoice in order to defraud the 2nd respondent's claim. Therefore the defacto complainant gave a complaint against the petitioners. He further submitted that it is at the stage of FIR and need detailed investigation. Hence, he opposed to quash the proceeding of the FIR in Crime No.289 of 2021.

5. On a perusal of the records, it reveals that, the case is only at the preliminary stage of investigation, which needs detail enquiry. However, as per the allegation of the defacto complainant they are disputing the the alleged invoice said to be created by the petitioners, it needs detailed

