



WEB COPY



CrI.OP.No.13624 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.13624 of 2024

and

CrI.MP.No.8276 of 2024

1. Raghunathan

2. Suchithra

... Petitioners

Vs.

1. State by:

Inspector of Police,
Vadavalli Police Station,
Coimbatore District.
(Cr.No.325 of 2023)

2. Sugumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and to quash the proceedings in F.I.R No.325 of 2023 on the file of the Inspector of Police, Vadavalli Police Station, Coimbatore District against the petitioners.

For Petitioner : Mr.C.Adithyan

For Respondents : Mr.S.Udaya Kumar
Government Advocate (CrI.Side)
for R1

ORDER



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The petitioner herein is the named accused in a complaint registered by the respondent police on 07.11.2023 in Cr.No.325 of 2023 for the alleged offence under Sections 406 and 420 of IPC.

2. As per the complaint, the petitioner herein got acquaintance with the defacto complainant and borrowed money to the tune of Rs.42,00,000/- since 2016. Further, the accused also subscribed one unauthorized chit run by the defacto complainant and drawn Rs.1,25,000/- and failed to repay it. When the defacto complainant demanded back the money, the petitioner promised to repay it after disposing the property, but, breached the promise and later gave five cheques, promissory note and other documents.

3. Later, when the defacto complainant demanded money the first and the second accused who were husband and wife threatened as if they got separated and not responsible for repayment. At the same time, the first petitioner has transferred the house property in the name of the second petitioner in order to dispose it of to third parties and cheat the complainant.

4. The learned counsel for the petitioner submits that it is purely a



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civil dispute in connection with money transaction which has been given a criminal colour and therefore, the same has to be quashed. Further, referring the refusal of remand by the learned Judicial Magistrate, the learned counsel submits that it is purely a civil dispute which should not be proceeded as a criminal complaint.

5. This Court on perusing the F.I.R and the averment made in the petition finds that the complaint of breach of trust and cheating needs probe before arriving at any conclusive decision whether the ingredients to attract offences under Section 406 and 420 of IPC is made out. Investigation is at nascent stage and the complaint discloses deception and entrustment whether that allegations are true and the deception was at inception of entrustment need probe and hence, the criminal original petition to quash the F.I.R stands dismissed as devoid of merits.

12.06.2024

Vv

To



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- 1. The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.**
- 2. The Public Prosecutor,
High Court of Madras,
Chennai.**

Dr.G.JAYACHANDRAN,J.



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