



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.21295 of 2023
and Crl.MP.No.154688 of 2023

Avishek Bhattachjee
S/o.A.N.Bhattarcharjee
Senior Manager
M/s.Seaways Supply Chain (P) Ltd
Free Trade Were House Zone
No.SG-9, 10 & 11, Mannur
Villupuram
Sriperumbudur
Kanchipuram-602 105.

...Petitioner/Sole Accused

.Vs.

1.The State represented
Inspector of Police
DCB, Kancheepuram District.

(Crime No.7 of 2023)

2.Mr.Kanmani Raja

.. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the final report FIR in Cr.No.7 of 2023 dated 6.5.2023 pending on the file of the respondent police and quash the same.

For Petitioner : Mr.S.Praveennath

For respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

ORDER



This petition has been filed seeking to quash the FIR in Cr.No 7 of 2023. pending on the file of the 1st respondent.

2.Heard Mr.S.Praveennath, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl.Side) for R1.

3.The case of the 2nd respondent is that he supplied manpower to the petitioner under a contract and in that process, the petitioner is due and payable a sum of Rs.46,98,734/-. When this amount was requested to be settled, the 2nd respondent was threatened with dire consequences. Based on this complaint, FIR came to be registered for offence under Section 420 IPC.

4.It is seen from records that an audit was conducted and it was found that the de facto complainant had committed misappropriation and siphoning of money and accordingly, an FIR came to be registered at Hyderabad. The investigation has been completed and the final report has already been filed in this case.

5.As a counter blast, the present complaint came to be filed before the 1st respondent on 6.5.2023. The sum and subsistence of the allegation is that the 2nd respondent has entered into an agreement with the petitioner to supply manpower and the agreement was illegally terminated and the 2nd respondent has not been settled with the dues under the agreement.



6. Even if the above allegations are taken as it is, no offence under Section 420 IPC has been made out. A mere breach of contract will not make out an offence of cheating and the law on this issue is now settled. The 2nd respondent instead of approaching the competent court by filing a suit for recovery of money, has chosen to give a criminal case against the petitioner. This is a case which is purely civil in nature and an attempt has been made to convert the same into a criminal case.

7. In the light of the above discussion, this Court has absolutely no hesitation to interfere with the FIR which is pending investigation in Crime No.7 of 2023, on the file of the 1st respondent and accordingly, the same is hereby quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

12.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
kp

To

1. The Inspector of Police
DCB, Kancheepuram District.

2. The Public Prosecutor,
High Court of Madras,
Madras.



WEB COPY



4

N.ANAND VENKATESH.J.,

kp

CRL.O.P No.21295 of 2023



WEB COPY

