



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 26229 of 2022

CrI. MP. No. 16144 of 2022

1 SURESH

2 SRIKALA

3 SELVAM

...petitioners

Vs.

1 STATE REP BY
INSPECTOR OF POLICE V-1 VILLIVAKKAM POLICE
STATION CHENNAI (CRIME NO.4/2022)

2 JAYARAMAN

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to
Call for the records and to Quash the FIR and all other Consequent
Proceedings in Crime No.04/2022 pending on the file of the respondent



For Petitioner : Mr.Elanjchezhien. J
For R1 : Mr.S.Vinoth Kumar,
Government Advocate(Crl. side)
For R2 : Mr.M.Anandan

ORDER

The petitioner herein filed this petition to Call for the records and to Quash the FIR and all other Consequent Proceedings in Crime No.04/2022 pending on the file of the respondent police.

2. The case of the prosecution is that the Rathinavel Pandian, who was residing as a tenant within the premises owned by the defacto complainant had failed to repay the debt amount of Rs.10,00,000/- to the petitioners, from whom he had obtained it on 08.10.2020. The defacto complainant on account of his prevailing acquaintance and friendship with Mr.Rathinavel Pandian and wife and also being their landlord, considering their stranded situation had issued support cheques for the same quantum and it was also instructed by the defacto complainant to desist from realizing his support cheques until his approval in pursuance thereof was given. Subsequently thereto, the primary cheques issued by Mr.Rathinavel Pandian to the petitioners went unrealized for having insufficient funds. Hence, it is by the prosecution that the petitioners have demanded cheques



from the defacto complainant in lieu of Rathinavel Pandiyan's pending debt, who was absconding since his cheques went unrealized. And, after passage of several months and after rounds oral demands and talks, on 21.04.2021, the petitioners claimed to have entered into the premises of Rathinavel Pandiyan and had engaged in a wordy altercation in order to claim back the pending debt amount from him. It was further claimed by the defacto complainant that during his absence two cheques bearing Nos. 00050 and 000051 for a tune of Rs. 10,00,000/- were obtained from his brother forcefully by the petitioners herein and additionally, Rs.6 lakhs were also claimed to have been demanded by the first petitioner herein for mediating the whole issue. Hence, the complaint was preferred by the defacto complainant, based on that complaint FIR in crime No. 4 of 2022 has been registered against the petitioner under section 384 IPC. Challenging the same, the petitioner filed this petition to quash the said FIR.

3. Heard both sides.

4. Considering the facts of the case, there was a money dispute between the parties and there was cheque transaction between them. Further, the investigation is at initial stage. Hence, this Court is not inclined to quash the FIR.



WEB COPY 5. In the result, this petition is dismissed. Consequentially connected miscellaneous petition is closed. No Costs.

19.01.2024

pbl

To
The Public Prosecutor,

High Court, Madras.



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T.V.THAMILSELVI, J.

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