



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM:

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

CRL.OP No. 24181 of 2022

& CrI.MP. No. 15328 & 15330 of 2022

1.P.Muthu @ Muthukrishnan
2.Nataraj @ Natarajan
3.Ranjith

...petitioners

Vs.

1.The State Represented by
The Inspector of Police,
Shevapet Police Station
Shevapet, Salem City, Salem.
Crime No. 1298 of 2020
2.Babu

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records concerned in C.C No. 6 of 2022 on the file of the Judicial Magistrate - III, Salem, Salem District and quash the same in so far as the petitioners are concerned.

For Petitioner : Mr.C.Prakasam
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side0)

**ORDER**

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The petitioner herein filed this petition to call for the records concerned in C.C No. 6 of 2022 on the file of the Judicial Magistrate - III, Salem, Salem District and quash the same.

2. The case of the prosecution is that on 23.12.2020, at 10 p.m., the first petitioner along with others attacked the defacto complainant by stating that why you have not purchased the groundnut from the first petitioner, instead purchased the groundnut from others for business and also damaged the articles in the defacto complainant shop. Based on the statement of the defacto complainant, the respondent police filed a FIR in crime No. 1298 of 2020 and the final report was filed in C.C No. 6 of 2022 before the Judicial Magistrate - III Salem, Salem District.

3. The learned counsel for the petitioners submit that the defacto complainant/second respondent herein purchased the groundnut kernel worth about Rs.80 lakhs on credit basis by issuing cheque leaves, but when the first petitioner oil mill made attempt to encash the cheque issued by the defacto complainant, there is no amount available in the defacto complainant account and the first petitioner and his brothers asked the defacto complainant to return back the said amount of Rs.80/- lakhs but the defacto complainant refused to repay the same and with the help of the political high hand and rowdy elements threatening the first petitioner brother, in this connection the respondent police enquired with the defacto



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complainant and obtained the statement from the defacto complainant whereby he agreed to repay the amount and escaped from registering the FIR and arrest, but very next day he came along with political high hand and lodged false complaint against the petitioners, in fact the first respondent returned statement given by the second respondent to him without informing the petitioners for agreeing to repay the entire amount, since the political person interfered and arranged get back the said statement from the first respondent police. Hence, the prays to allow this petition.

4. The learned counsel for the second respondent raised strong objection stating that that on the date of alleged occurrence the defacto complainant was attacked by the accused to that effect the other witness given the statement before the respondent police. Hence, he prays to dismiss this petition.

5. By way of reply, the learned counsel for the petitioner submit that first petitioner running a Groundnut Mill and on various occasions, the defacto complainant had purchased the dry groundnut kernel near about 80 lakhs was due. Besides, he has committed default in payment of amount with other owners to that effect he produced the proceedings initiated against the defacto complainant in criminal and other two suit proceedings.



In fact, he admits that he purchased the dry groundnuts kernel from the other manufacturers.

6. On seeing the fact of the case, out of the business transaction there was dispute between the defacto complainant and the petitioner, the civil suit also filed for return of the alleged documents from the petitioner and others. Hence, there was a business transaction between the parties which is civil in nature. But, on perusal of the complaint, as per the defacto complainant, on the date of alleged occurrence i.e., on 23.12.2020 the petitioner along with other accused persons came to his shop and attacked the defacto complainant stating that first petitioner sustained loss because of the defacto complainant was not bought dried groundnuts kernel from him. As a ordinary prudent man would not enter into the shops of others persons and demanding him to purchase his articles as already dispute pending them. Hence, the alleged reason said by the defacto complainant is not reasonable. Further, as per the evidence of Doctor, it reveals that on the date of admitting the hospital the defacto complainant was accompanied by some persons and he sustained abrasions and he was immediately discharged. Considering the above, there is no incriminating material against the



petitioner. Hence, C.C No. 6 of 2022, pending on the file of the judicial Magistrate - III, Salem, Salem District is quashed.

7. In the result, this petition is allowed. No Costs. Consequentially, connected miscellaneous petition is quashed.

03.01.2024

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To
The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.



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