



Crl.O.P.No.28960 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.28960 of 2022

and

Crl.M.P.No.17761 of 2022

1.Govindaraj
2.Saravanan

... Petitioners

Vs.

1.The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai.
Crime No.415 of 2022

2. Shankar

... 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.415 of
2022, pending investigation on the file of the 1st respondent.

For Petitioner : Mr.B.Kumarasamy

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



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ORDER

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The petitioners have filed this petition to quash the FIR in Crime No.415 of 2022 pending investigation on the file of the 1st respondent, for the offences under Sections 294(b), 406, 420 and 506(ii) of IPC, as against the petitioners.

2. The case of the prosecution is that the petitioners and the 2nd respondent are known to each other through their common friend one Murali. The petitioners said to have requested the 2nd respondent to part with a sum of Rs.45,00,000/- for their family business development accordingly on 09.06.2014 the 2nd respondent handed over a sum of Rs.45,00,000/- for which the 2nd petitioner said to have issued a cheque in favour of the 2nd responden. But the petitioners failed to return back the loan amount. On 20.07.2022 at 4.00 p.m. The 2nd respondent went to the petitioners house and demanded the amount at that time the petitioners and one Adhimunusamy said to have abused the 2nd respondent with unparliamentary words and threatened in dire consequences. To that effect he lodged a complaint against them.



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3. The learned counsel for the petitioners submitted that the petitioners are innocent persons, and they were no way connected with the alleged offences made by the prosecution. He further submitted that a false case has been foisted against them. Hence, he prays to quash the proceedings in Crime No.415 of 2022.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the petitioners had borrowed a loan for a sum of Rs.45,00,000/- from the defacto complainant during the year 2014. The petitioners neither returned the money and dragging for more than 8 year. Based on the complaint lodged by the defacto complainant FIR has been registered in Crime No.415 of 2022 for the offences under Sections 294(b), 406, 420 & 506(ii) of IPC against the petitioners. He further submitted that the investigation is only at preliminary stage.

5. Considering the facts and circumstance, there is dispute with regard to money transaction and the investigation is only at the preliminary stage, this Court is not inclined to quash the proceedings against the petitioners in Crime No.415 of 2022 on the file of the 1st respondent.



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T.V.THAMILSELVI, J.

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6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

05.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To

1.The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai.
Crime No.415 of 2022

2.The Public Prosecutor,
High Court of Madras.

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and
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