



CrI.O.P.(MD)No.1702 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **30.01.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.1702 of 2022

and

CrI.M.P.(MD).No.1245 of 2022

1.M.Ramanathan

2.R.Rathika

... Petitioners/Accused Nos.A1 & A2

Vs.

1.The State rep by

The Inspector of Police,

Kallal Police Station,

Sivagangai District.

(In Crime No.55 of 2021)

... 1st Respondent/Complainant

2.A.Paneer Selvam

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.55 of 2021 on the file of the first respondent and quash the same.

For petitioners

: Mr.Muthusamy

For R-1

: Mr.B.Nambiselvan

Additional Public Prosecutor

For R-2

: No Appearance



ORDER

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This criminal original petition has been filed to quash the first information report in Crime No.55 of 2021 on the file of the first respondent.

2. The case of the prosecution is that the first petitioner borrowed a sum of Rs.4 lakhs from the second respondent by giving a false promise that he will sell his mother-in-law's property to the second respondent. Thereafter, he borrowed further sum of Rs.2 lakhs for treatment of his mother-in-law. Thereafter, he neither repaid the amount nor executed the land in favour of the second respondent. When the same was questioned by the second respondent, the petitioners abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that it is purely a civil dispute between the petitioners and the defacto complainant. The Law Enforcing Agency has no power to interfere in the civil dispute between the parties. However, without going into the merits of the case, this Court may issue a direction to the first respondent police to complete the investigation within a stipulated period



by providing an opportunity to the petitioners in order to disprove the complaint preferred by the second respondent.

4.The learned Additional Public Prosecutor would submit that it is not a civil dispute. It is purely a money dispute. The petitioners borrowed a sum of Rs.4 lakhs from the defacto complainant and further, they borrowed a sum of Rs.2 lakhs. Then, they failed to repay the same. Hence, it is a case of cheating. Thereby, the Law Enforcing Agency registered a case and conducted investigation.

5.Heard the learned Additional Public Prosecutor appearing for the respondent Police and the learned counsel for the petitioners.

6. In view of the fair submission made by the learned counsel appearing for the petitioners, this Court is inclined to dispose the present petition by giving necessary direction to the first respondent Police. Accordingly, the first respondent Police is directed to conduct the investigation and complete the same within a period of **four weeks** from the date of receipt of a copy of this order by providing necessary opportunity to both parties. The petitioners are at liberty to produce all documents, in order to prove that there is no criminality in the complaint



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preferred by the second respondent and after completing the investigation, if any cognizable offences are made out, the first respondent Police is further directed to file a charge sheet in the manner known to law. Incase, if cognizable offences are not made out, the first respondent Police is further directed to close the case as “mistake of fact”.

7. In the result, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

30.01.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
dss

To

1. The Inspector of Police,
Kallal Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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