



Crl.O.P.(MD)No.1435 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.1435 of 2023

and

CrI.M.P. (MD) No.1272 of 2023

1. Sivakumar

2. Gunasundari

... Petitioners

Vs.

1.The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.1061 of 2016)

2. Kannan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to FIR in Crime No.1061 of 2016 dated 27.11.2016 on the file of the Inspector of Police, Melur Police Station, Madurai District and quash the same as against the petitioner.



Crl.O.P.(MD)No.1435 of 2023

For Petitioners : Mr.S.Mahendrapathy

For Respondents : Mr.A.Albert James
Government Advocate (Crl. Side)
for R1

ORDER

This petition has been filed to quash the FIR in Crime No. 1061 of 2016 pending investigation on the file of the first respondent.

2.The second respondent gave a complaint to the first respondent to the effect that he parted with a total sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the petitioners and the said amount was not repaid back and that apart, they also agreed to sell their property to the defacto complainant towards the amount that was borrowed by them and they went back in that promise. When the defacto complainant went to the house of the petitioners and demanded for the same, he was abused in filthy language and he was also criminally intimidated. Based on this complaint, the first respondent has registered the FIR for offences under Sections 406, 420, 147, 294(b), 355 and 506(i) of IPC.



Crl.O.P.(MD)No.1435 of 2023

WEB COPY

3.Heard the learned counsel for the petitioners and the learned Government Advocate appearing on behalf of the first respondent.

4.The second respondent has been served with notice and it has been received and the proof of service has also been filed.

5.In the considered view of this Court, there was a money transaction between the parties. The petitioners not repaying back the money allegedly borrowed from the second respondent and the petitioners refusing to execute the sale-deed in favour of the defacto complainant, at the best can only result in a breach of contract. By no stretch, it can constitute any offence. In the instant case, a dispute which is purely civil in nature is attempted to be given a criminal colour. In view of the same, the continuation of the criminal proceedings as against the petitioners will result in abuse of process of law which requires the interference of this Court.



Crl.O.P.(MD)No.1435 of 2023

6.In the result, the FIR in Crime No.1061 of 2016 on the file of the first respondent, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

20.11.2024

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
PKN		



Crl.O.P.(MD)No.1435 of 2023

WEB COPY To

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



WEB COPY



Crl.O.P.(MD)No.1435 of 2023

N.ANAND VENKATESH,J.

PKN

CrI.O.P.(MD)No.1435 of 2023

Dated: 20.11.2024