



Crl.O.P.(MD)No.2027 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.2027 of 2022
and Crl.M.P.(MD)No.1475 of 2022

S.Suresh Babu

... Petitioner

Vs.

1.State through
The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti, Madurai District.
(Crime No.505 of 2021)

2.Vinubalan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in Crime No.505 of 2021 registered by the first respondent police under Sections 420, 341, 294(b) and 506(i) IPC on 16.11.2021 against the petitioner and quash the same as illegal.

For Petitioner : Mr.P.Santhana Krishnan

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R2 : Mr.B.Narayan Ram



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ORDER

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This Criminal Original Petition has been filed to quash the first information report in Crime No.505 of 2021 registered by the first respondent police under Sections 420, 341, 294(b) and 506(i) IPC on 16.11.2021 against the petitioner herein.

2.The case of the prosecution is that the second respondent is running a petrol bunk for the past 40 years in the name and style of Rathinam Auto Mobiles at Madurai Main Road, Usilampatti, Madurai District. The petitioner is running a bus company at Usilampatti to Theni Main Road, in the name and style of Limmoshini Bus Company and he is operating the bus from Usilampatti to Chennai daily. He used to fill up the diesel regularly in the defacto complainant's oil company. He requested the defacto complainant to supply diesel for loan and he further told that the loan amount would be transferred from the Bank account of the petitioner to the defacto complainant's account. Believing the same, the defacto complainant supplied diesel and the petitioner is bound to settle a sum of Rs.3,40,923/- to the defacto complainant. However, the petitioner refused to settled the amount. Hence, the defacto



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complainant preferred a complaint. After filing complaint, the petitioner threatened the defacto complainant with dire consequences.

3.The learned counsel appearing for the petitioner would submit that it is purely commercial transaction between the petitioner and the second respondent, for which remedy is available before the civil Court. Without availing the same, the second respondent preferred a false complaint before the first respondent police, which is not sustainable one. Hence, he would pray to quash the impugned first information report.

4.The learned counsel appearing for the second respondent would submit that it is not commercial transaction and based on the trust, the second respondent supplied diesel to the petitioner. However, the petitioner cheated the second respondent and thereby, he preferred the present complaint. He would further submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.



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5.The learned Additional Public Prosecutor appearing for the first respondent would submit that the investigation in this case has been completed and charge sheet also made ready and hence, nothing survives in this petition.

6.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426).***

7.In view of the above, this Court finds no ground or scope to quash the impugned first information report pending on the file of the first respondent police. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

29.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.

- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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