



Crl.O.P.(MD) No.10666 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.10666 of 2021

and

Crl.M.P.(MD) No.5444 of 2021

1.Ramesh

2.Tamilarasan

... Petitioners

Vs.

1.The State rep. by
The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
(In Crime No.1614 of 2020)

2.V.Ramesh

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to the First Information Report in Crime No.1614 of 2020 on the file of the first respondent and quash the same.

For Petitioners : Mr.J.Lawrance

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : No appearance



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ORDER

Seeking to quash the First Information Report [F.I.R.] in Crime No. 1614 of 2020 of Vedasanthur Police Station, the present Criminal Original Petition is filed.

2. The case of the prosecution in a nutshell is as follows:

(i) The second respondent (*de facto* complainant), a resident of Vedasanthur, Karur District is a business man and the petitioners (accused) are his relatives. Since the *de facto* complainant sustained loss in his business, he went to the house of the accused in Andra Pradesh along with his family members in a Baleno Car bearing Reg.No.TN 66 AB 5269. They had previously promised the *de facto* complainant that he would be made as a partner in their finance business. However, on reaching Andra Pradesh, the accused declined to take the *de facto* complainant as a partner. Therefore, on 10.09.2020 at about 09.00 p.m., the accused and his family members were returning back home. At that time, the accused kidnapped them and took them to a nearby house and locked them inside. The



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accused forced the *de facto* complainant and his wife to sign on a blank Promissory Note and blank cheques of the *de facto* complainant bearing numbers 031496, 031497, 031498, 031499 and 031523 to 03125 and 045357 to 453580 drawn on Indian Bank. Apart from that, the accused also took the *de facto* complainant's credit cards, pan card and driving license. Subsequently, they were sent out after threatening them with dire consequences if they reveal this to the police.

(ii) Based on the complaint given by the *de facto* complainant, F.I.R. in Crime No.1614 of 2020 was registered by the Sub-Inspector of Police, Vedasandur Police Station, for the offences punishable under Sections 294(b), 342, 406 & 506(1) of IPC.

3. Mr.J.Lawrance, learned counsel for the petitioners would submit that actually, the second respondent (*de facto* complainant) borrowed a sum of Rs.5,00,000/- from the second petitioner (A2) and Rs.10,00,000/- from the first petitioner (A1) and when the first petitioner requested the *de facto* complainant to repay the same, he gave a cheque bearing number 031499 to the first petitioner for a sum of Rs.5,00,000/-. When the cheque



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was presented by the first petitioner on 12.10.2020 through his banker namely, HDFC Bank, Guntur Branch, Andhra Pradesh, the same was returned for the reason 'funds insufficient' on 13.10.2020. It is also his submission that the first petitioner had actually filed a private complaint under Section 200 of Cr.P.C. against the *de facto* complainant before the Additional Judicial Magistrate of 1st Class, Guntur in C.C.No.1235 of 2020, for the offences punishable under Sections 138 & 142 of Negotiable Instruments Act. He would further contend that though the *de facto* complainant was served with summons in the said case, he did not appear before the concerned Judicial Magistrate, on account of which, a bailable warrant was issued against him. It is also his submission that all the allegations made in the complaint are totally false and the complaint has been given only to circumvent the proceedings initiated by the first petitioner against the *de facto* complainant under Section 138 of Negotiable Instruments Act. He therefore prayed for quashing the F.I.R.

4. Per contra, Mr.R.M.Anbunithi, learned Additional Public Prosecutor for the first respondent police would contend that the investigation so far done had revealed that the petitioners and the *de facto* complainant had money transaction and that the present petitioners



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forcibly took signed pro-notes, cheques, credit card, pan card and driving license from the *de facto* complainant by locking him and his family members in a house.

5. There is no representation for the second respondent.

6. A perusal of CD file shows that on an earlier occasion, the second petitioner had lodged a complaint with the Sub-Inspector of Police, Vendasandur Police Station stating that he lent a sum of Rs. 5,00,000/- to the *de facto* complainant and his wife and till date, they have not repaid the same. The said complaint was registered as C.S.R.No. 388/2020 and it was closed based on the letter given by second petitioner. In the said letter, the second petitioner had stated that since the *de facto* complainant had agreed to transfer the ownership of his Suzuki Baleno car bearing Reg.No.TN 66 AB 5269 in favour of the second petitioner, he would be returning 8 promissory notes and cheques to the *de facto* complainant which were obtained by him towards guarantee.

7. In the circumstances, I do not see any reason to quash the F.I.R. Accordingly, the present Criminal Original Petition stands dismissed as



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devoid of merits. Consequently, connected Miscellaneous Petition is closed.

29.02.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

To:

1.The Inspector of Police,
Vedasandur Police Station, Dindigul District.

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



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R.HEMALATHA, J.

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