



CrI.O.P(MD).No.18567 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

CrI.O.P(MD).No.18567 of 2021 and
CrI.M.P(MD).No.10250 of 2021

1.Gokulkumar
2.Jothi @ Christyjothi
3.Manivannan ... Petitioners

Vs.

1. The Inspector of Police,
Othakadai Police Station,
Othakadai,
Madurai District.

2.Suriya Prakash Narayanan ... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for records pertaining to the First Information Report in Cr.No.540 of 2021 on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.T. Vadivelan
For Respondent No.1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For 2nd respondent : Mr.M.Kaushikan



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ORDER

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This Criminal Original Petition has been filed to call for records pertaining to the First Information Report in Cr.No.540 of 2021 on the file of the 1st respondent Police and quash the same.

2. The case of the prosecution is that the 2nd respondent entered into an agreement with the first petitioner, who is a building Contractor, for constructing a house at Jemi J.P Nagar, Thamaraipatti, Othakadai, Madurai and paid the amount. After receiving the amount, the petitioners failed to comply with the terms and conditions as per the agreement and also they have threatened the 2nd respondent / defacto complainant with dire consequences and also abused him in filthy language. Hence, the case has been registered against the petitioners for the offence under sections 420, 294(b) and 506(i) IPC. Challenging the same, the petitioners herein have filed the present petition before this Court.

3. The learned counsel appearing for the petitioners submitted that since the 2nd respondent failed to pay the amount towards constructions works, that there was a difference opinion between them.



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Due to which, the petitioners herein have been falsely roped in this case and prays for allowing this petition.

4. The learned Additional Public Prosecutor appearing for the first respondent Police submitted the based on the petition filed under Section 156(3) Cr.P.C., case has been registered against the petitioners. He would further submit that investigation in this case has already been completed and the final report will be filed within a week and prays for dismissal of the petition.

5. The learned counsel appearing for the 2nd respondent submitted that after receiving the amount as per the agreement, the petitioners herein have failed to do the construction work and caused heavy loss to the 2nd respondent and prays for dismissal of this petition.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Considering the nature of allegations made against the petitioners and that the truth will come out only after examination of all



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the witnesses and that the final report is yet to be filed within a week,
this Court is not inclined to allow this petition at this stage.

7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

07.06.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1. The Inspector of Police,
Othakadai Police Station,
Othakadai,
Madurai District.

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



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A.A.NAKKIRAN, J.

Trp

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