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Crl.OP.No.7520 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.7520 of 2025
and Crl.MP.No.4826 of 2025

1.Gokulakrishnan
2.Parthibhan

.. Petitioners

Vs.

1.The State of Tamil Nadu Rep. By its
Inspector of Police,
Race Course Police Station,
Coimbatore City.

2.S.Sakthivel

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS to call for the records relating to the proceedings in Crime No.499 of 2024 on the file of the first respondent/complainant and quash the same as illegal in so far as the petitioners are concerned.

For Petitioners : Mr.M.Purushothaman

For Respondents : Mr.R.Vinothraja
Government Advocate (Crl.Side)
for R1
Ms.D.Kamatchi for R2



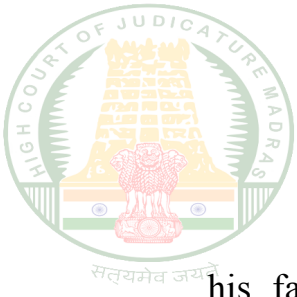
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ORDER

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This petition has been filed to quash the FIR registered in Cr.No.499 of 2024 on the file of the first respondent police .

2. The case of the prosecution, as per the defacto complainant/second respondent one S.Sakthivel is that the petitioners/accused herein who were Directors of M/s.BLR Billionaire India Private Limited, Bangalore along with his friend one Santhosh Kumar had approached him to write code for artificial intelligence (AI) and promised him to give him a 20% share in the company, a Directorship position and a monthly stipend of Rs.50,000/-. However, they failed to provide the promised 20% share of the profits and stipend. amount as promised by them. Pursuant to his complaint dated 07.10.2024 submitted to the Commissioner of Police, Coimbatore City, the complaint was transferred to the City Crime Branch, and he was summoned for enquiry by the Central Crime Branch, Coimbatore on on 09.10.2024, 15.10.2024 and 22.10.2024. After the enquiry, when he left City Crime Branch Office-I at around 2.20 p.m., the petitioners verbally abused him and



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his family member in a highly offensive manner and they have threatened him over mobile phone.

3. On the complaint lodged by the second respondent, the first respondent has registered an FIR against the petitioners in Cr.No.499 of 2024 for the offences punishable under Sections 296(b) and 351(2) of BNS, 2023.

4. Heard both sides and perused the materials available on record.

5. A perusal of records revealed that the second respondent was summoned for enquiry by the City Crime Branch, Coimbatore on 22.10.2024. During the enquiry, the Investigating Officer found that the complaint lodged by the second respondent alleging that the petitioners failed to provide a 20% share in the profit, pertained only to a commercial transaction between the petitioners and the second respondent. In order to wreck vengeance, the present



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complaint has been lodged against the petitioner. Moreover, all the allegations are civil in nature, and therefore, merely keeping the FIR pending does not serve any purpose.

6. In this regard, it is relevant to extract the judgement reported in **(1992) SCC Crl. 426** in the case of ***Bajanlal v. State of Haryana***, wherein the Hon'ble Supreme Court of India has listed out the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under Section 482 Cr.P.C.:

"102.....

.....

7. *Where a criminal proceeding is manifestly attended with malafide and/or where the proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."*

Therefore, the impugned FIR is nothing but clear abuse of process of



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law and the entire allegations cannot be sustained as against the petitioner and in order to meet the ends of justice, this Court is liable to quash the FIR.

7. Accordingly, the FIR registered in Crime No.499 of 2024 on the file of the first respondent police is hereby quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

22.04.2025

Vv

To

1.The Inspector of Police,
Race Course Police Station,
Coimbatore City.

2. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

Vv

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