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Crl.O.P.No.4023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.4023 of 2024

and

Crl.M.P.Nos.2985 of 2024 and 12884 of 2025

Mr.Sekar, S/o Renukonar

.. Petitioner

Vs.

1. The Deputy Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.

2. The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.

3. Thiru.Murugesan, S/o Thoppalan

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the FIR No.733 of 2023, dated 29.10.2023 on the file of the second respondent/Police, based on the complaint, dated 18.06.2022 given by the second respondent and quash the same.

For petitioner : Mr.P.Balamurugan

For respondents: Mr.S.Vinoth Kumar, Govt. Advocate (Crl.Side)

for RR-1 and 2

No appearance for R-3

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ORDER

The petitioner/accused had filed this petition seeking to quash the FIR No.733 of 2023, dated 29.10.2023 on the file of the second respondent-Police, based on the complaint, dated 18.06.2022 given by the second respondent-Police.

2. Though the vacate-stay petition filed by the Police to vacate the order of stay, dated 22.02.2024 in Crl.M.P.No.2985 of 2024 in Crl.O.P.No.4023 of 2024, is coming up for hearing today, this Court, taking into consideration the facts and circumstances of the case, is taking up the main Crl.O.P. itself for final disposal.

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

4. Learned counsel for the petitioner/accused submitted that the third respondent had borrowed the money from the petitioner. It is stated that, as the dispute in this case is of civil nature, already, the third respondent had filed a civil suit before the Court and pending the said civil suit, the third respondent had filed an application seeking for ABJ (attachment before judgment), subsequently, the Court also had passed order of attachment.

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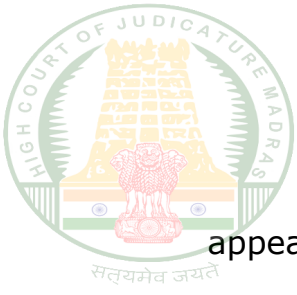


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5. The respondents 1 and 2/Police had registered a case without conducting the preliminary enquiry and even the private respondent herein (third respondent) has not whispered anything about the pendency of the civil suit in this case. In the vacate-stay-petition, the Police had not stated about the pendency of the civil case between the parties, and that the material fact had been suppressed. Initially, this Court had granted an order of stay invoking the Criminal Jurisdiction of this Court and the parties, in order to get over the civil dispute, had proceeded with the present main petition, which is nothing but abuse of process of law. The petitioner/accused prayed that the FIR in this case may be quashed.

6. Though private notice had been served on the private respondent, i.e. the third respondent, and his name is also printed in the cause list, there is no representation for the third respondent herein, either in person or through counsel.

7. The learned Government Advocate submitted that there are prima-facie allegations to proceed against the petitioner/accused and the evidence is also recorded from the de-facto complainant. During the enquiry proceedings, the private respondent/de-facto complainant did not appear on several occasions and the petitioner/accused



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appeared and gave statement.

WEB COPY 8. Learned Government Advocate appearing for the respondents

1 and 2 further submitted that the third respondent/complainant had made allegations against the petitioner/accused and hence, the case was registered. The de-facto complainant was also examined and his statement was also recorded under Section 161 Cr.P.C. Further, the witnesses have clearly spoken about the alleged offence(s) committed by the petitioner/accused. There are prima-facie allegations and materials against the petitioner/accused and hence, the learned Government Advocate prayed that the present Crl.O.P. may be dismissed.

9. Admittedly, a civil dispute is pending between the parties in O.S.No.119 of 2022. Though the learned counsel for the petitioner/accused submitted that in order to get over the civil case filed in O.S.No.119 of 2022 by the present third respondent seeking the relief of recovery of money, in which ABJ order was also passed and that immovable property has also been attached by the Court, only in order to wreak vengeance, the third respondent has filed a false complaint against the petitioner, by suppressing the factum of civil dispute which is pending between the parties in the Civil Court.

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10. On a reading of the FIR and the statements recorded from the witnesses, it is clear that there are prima-facie allegations against the petitioner/accused and there are materials available to proceed with the further investigation against the petitioner/accused. Therefore, the grounds now taken by the petitioner/accused, are nothing but defence, which could be agitated only before the trial Court.

11. Hence, this petition is dismissed. However, the respondents 1 and 2/Police are directed to expedite and conclude the investigation and file the charge-sheet before the appropriate Court, in accordance with law. Consequently, Crl.M.Ps. are closed.

09.07.2025

cs

To

1. The Deputy Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.
2. The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.
3. The Public Prosecutor, High Court, Madras.



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