



Crl.O.P.No. 4711 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

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

Crl.O.P.No. 4711 of 2025

and

Crl.M.P.No.3030 of 2025

1.D.Senthilkumar

2.P.Jayanthi

.... Petitioners

Vs

1. State Represented by
The Inspector of Police,
Mahalingapuram Police Station,
Pollachi,
Coimbatore District.

2. M.Santhi

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to FIR No.76 of 2013 dated 25.04.2013 pending on the file of the Inspector of Police, Mahalingapuram Police Station, Pollachi - 2, Coimbatore and quash the same.

For Petitioner : Ms.JP. Dhanyasree

For R1 : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.76 of 2013 dated 25.04.2013, pending on the file of the first respondent.

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

3. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.76 of 2013 for the offences under Sections 471 and 420 of IPC, alleging that the first petitioner conducted an election in the post of Councilor in the 7th Ward of Coimbatore Municipality and borrowed a sum of Rs.5,00,000/- from the second respondent and also promised to return the money immediately after the election. Thereafter, the petitioners failed to return the money. Therefore, this is only a money transaction between the petitioners and the second respondent. There is absolutely no inducement by the petitioners to the second respondent to borrow the money.



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4. Even according to the second respondent, she had lent money.

However, there is no proof to show that the second respondent lent the money to the petitioners. Further, the FIR has been registered in the year 2013 and no investigation has been conducted so far. As per the averments made in the complaint, there is absolutely no grounds to attract the offences under Section 471 and 420 of IPC. Therefore, on this sole ground, the FIR in Crime No.76 of 2013 cannot be sustained and is liable to be quashed.

5. In view of the above, the FIR in Crime No.76 of 2013 on the file of the first respondent is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

20.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1. The Inspector of Police,
Mahalingapuram Police Station,
Pollachi,
Coimbatore District.



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2. The Public Prosecutor,
High Court, Madras.

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