



Crl.O.P.No.6330 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM:

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

Crl.O.P.No.6330 of 2025
and Crl.M.P.No.4047 of 2025

1. C.Ravi
2. R.Vimala

... Petitioners

Vs

1. State Rep By
Assistant Commissioner of Police,
CCB-II, Tambaram Commissioner Office,
Sholinganallur, Tambaram City,
(Cr.No.5 of 2024)

2. K.Indhumathy ... Respondents

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 482 of Cr.P.C, to call for the records as regards FIR No.5 of 2024 in offence under Section 406, 420, 506(ii) of IPC and r/w 34 of IPC which is pending on the file of the Assistant Commissioner of Police, CCB-II, Tambaram Commissioners office, Shollinganallur, Tambaram city and to quash the above said FIR No.5 of 2024 which was registered against the petitioners/Accused by the first respondent.

For Petitioners : Mr.K.Suresh Babu
For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.side)
For R2 : Mrs.R.Lakshmi

ORDER



CrI.O.P.No.6330 of 2025

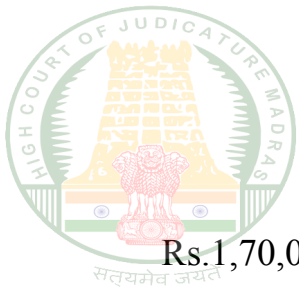
This Criminal Original Petition has been filed challenging the FIR in

Crime No.5 of 2024 on the file of the first respondent police.

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

3. On the complaint lodged by the second respondent, FIR in Crime No.5 of 2024 has been registered for the offences punishable under Sections 406, 420, 506(1) read with Section 34 of IPC alleging that on 20.04.2019, the second respondent lent a sum of Rs.1,70,00,000/-, to the petitioners. After availing the said loan, the petitioners had set off their loan and jewel loans. At the time of availing loan, the petitioners had assured that the loan amount will be cleared off by selling their properties in S.Nos.539/3c, 4883 and S.Nos.537/3A, 538/1A1, 538/2, ad-measuring 1620 sq.ft, situated at Kalyan Nagar, 1st street, West Tambaram, Chennai – 600045. Even after selling the said property, the petitioners failed to return the loan amount. Hence, the complaint.

4. Admittedly, it was only a loan transaction between the petitioners and the second respondent. The second respondent had lent loan to the tune of



Crl.O.P.No.6330 of 2025

Rs.1,70,00,000/- to the petitioners, in order to set off the loans borrowed by the petitioners. Though they assured that after selling the property the loan amount will be settled, it would not attract any of the offences as alleged in the FIR. That apart, the petitioners and the second respondent are close relatives. In the year 2019, the second petitioner had sold her property situated at Padappai Village to the second respondent and the same was registered vide Document No.8135/2019. In the said sale deed, the second respondent had paid only part of the sale consideration and in order to recover the balance sale consideration, the second petitioner already filed a suit in O.S.No.301 of 2023 before the District Court, Kanchipuram for recovery of money and it is pending.

5. The learned counsel for the second respondent would submit that only on the assurance given by the petitioners, the second respondent had lent the loan to the tune of Rs.1,70,00,000/- and after disposing the property, the petitioners failed to return the loan amount.

6. Therefore, it is only a loan transaction and there is no offence is made out as against the petitioners as alleged in the FIR and the impugned FIR cannot be sustained as against the petitioners and it is liable to be quashed.



Crl.O.P.No.6330 of 2025

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7. Accordingly, the FIR in Crime No.5 of 2024 on the file of the first respondent police, is hereby quashed as against the petitioners. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

06.03.2025

Internet: Yes

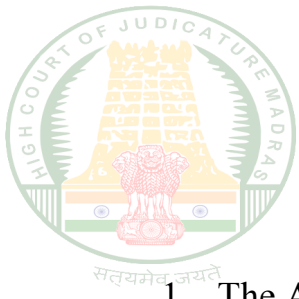
Index: Yes/No

Speaking/Non speaking order

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To

Page 4 of 6



Crl.O.P.No.6330 of 2025

1. The Assistant Commissioner of Police,
CCB-II, Tambaram Commissioner Office,
Sholinganallur, Tambaram City,
2. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.6330 of 2025

G.K.ILANTHIRAIYAN. J,

mn

Crl.O.P.No.6330 of 2025

06.03.2025