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Crl.O.P.Nos.8011 and 8040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.06.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.Nos.8011 and 8040 of 2023

and

Crl.M.P.Nos.5097 and 5073 of 2023

1. K.Venkateswaran, S/o Krishnamurthy
2. Suresh, S/o Mariappan
3. Usha, W/o K.Venkateswaran
4. Sharanya, D/o K.Venkateswaran

.. Petitioners in Crl.O.P.No.8011 of 2023

1. K.Venkateswaran, S/o Krishnamurthy
2. Suresh, S/o Mariappan

.. Petitioners in Crl.O.P.No.8040 of 2023

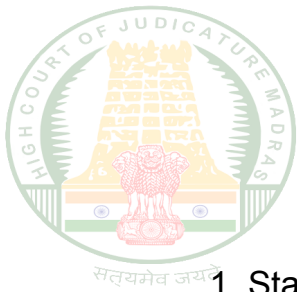
Vs.

1. State, represented by
The Inspector of Police,
Thirumullaivoyal Police Station
Crime No.436 of 2022

2. R.E.Chandrasekar, S/o R.Ethirajan

.. Respondents in Crl.O.P.No.8011 of 2023

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1. State, represented by
The Inspector of Police,
Ambattur Estate Police Station,
Now transferred to
Inspector of Police,
Central Crime Branch,
EDF, Avadi, Chennai
Crime No.86 of 2022
2. R.E.Chandrasekar,
S/o R.Ethirajan .. Respondents in Crl.O.P.No.8040 of 2023

Crl.O.P.No.8011 of 2023 is filed under Section 482 Cr.P.C. to call for the records pertaining to the case pending investigation in Crime No.436 of 2022, dated 14.06.2022 on the file of the first respondent and quash the same as against the petitioner.

Crl.O.P.No.8040 of 2023 is filed under Section 482 Cr.P.C. to call for the records pertaining to the case pending investigation in Crime No.86 of 2022, dated 14.03.2022 on the file of the first respondent and quash the same as against the petitioner.

For petitioners : M/s.B.Arvind Srevatsa in both petitions

For respondents: Dr.C.E.Pratap, Govt. Advocate (Crl.Side)

for R-1 in both petitions

No appearance for R-2 in both petitions



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COMMON ORDER

Crl.O.P.No.8011 of 2023 is filed under Section 482 Cr.P.C. to call for the records pertaining to the case pending investigation in Crime No.436 of 2022, dated 14.06.2022 on the file of the first respondent and quash the same as against the petitioner.

2. Crl.O.P.No.8040 of 2023 is filed under Section 482 Cr.P.C. to call for the records pertaining to the case pending investigation in Crime No.86 of 2022, dated 14.03.2022 on the file of the first respondent and quash the same as against the petitioner.

3. Learned counsel for the petitioners submitted that these petitions have been filed to quash the FIRs., as the dispute between the parties is civil in nature. The contractual liability and the allegations themselves, are breach of contract. Already, they have given several complaints and the same were closed, as no prima-facie case was made out. This is the sixth complaint and there are no materials to bring home all the offences committed by the petitioners. As against the third and fourth petitioners,

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there is no whisper even in the complaint. Therefore, it is nothing but abuse of process of Court. They have given criminal colour for the civil dispute. Only in order to harass the petitioners by influencing person, the FIRs. are sought to be quashed.

4. Learned Additional Public Prosecutor appearing for the first respondent submitted that prima-facie allegations are there in the FIRs. and since there is an order of stay of this Court, the Police could not proceed with the investigation further.

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

6. On a reading of the complaints, it is clear that prima-facie allegations are there. But the FIR is not the encyclopaedia and it is an information to set the law in motion. Learned counsel for the petitioners submitted that the complaint was given on the same day in which the FIRs were registered and the principles laid down by the Supreme Court in the decision reported in 2014 (2) SCC 1 (Lalita Kumari Vs. Government of UP and another), had been violated. Therefore, the FIRs. may be quashed.



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7. On a further reading of the materials on record, including the FIRs., it is crystal clear that there are prima-facie allegations. The FIR is not the encyclopaedia. The FIR is filed to set the law in motion. Therefore, it is only the investigating agency which is permitted to investigate the matter and file charge-sheet and the Court cannot interfere at this stage. Even though there is civil transaction made out, however, on a reading of the FIRs., it shows that the allegations against the petitioners are regarding the life estate and also the damage of the vehicles, certainly, the dispute is in criminal nature. However, it is for the investigating agency to conduct the investigation and find out the truth and file charge-sheet. Therefore, this Court does not find any reason to quash the FIRs. Hence, these petitions are dismissed. Consequently, the miscellaneous petitions are closed. The respondent-Police in both the petitions, is directed to conduct the investigation in a fair manner and file the charge-sheet within a period of three months from today before the competent Court.

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- 1.The Inspector of Police,
Thirumullaivoyal Police Station
Crime No.436 of 2022
2. The Inspector of Police,
Ambattur Estate Police Station,
Chennai
3. The Inspector of Police,
Central Crime Branch,
EDF, Avadi, Chennai
Crime No.86 of 2022
4. The Public Prosecutor, High Court, Madras.



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P.VELMURUGAN, J

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