



Crl.O.P.No.10990 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

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

Crl.O.P.No.10990 of 2025
and Crl.M.P.No.7281 of 2025

B.Sarumathy

... Petitioner

Vs

1. State Rep.By,
The Inspector of Police,
T17, Perumbakkam Police Station,
Tambaram District.

2. Gowtham

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the First Information Report in Cr.No.41 of 2025 dated 12.02.2025 on the file of the respondent police.

For Petitioners	: Mr.N.Baskaran for Mr.Srinish Mohan
For R1	: Mr.R.Vinothraja Government Advocate (Crl.side)
For R2	: Mr.P.Ganesh

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.41 of 2025 on the file of the Respondent Police.



Crl.O.P.No.10990 of 2025

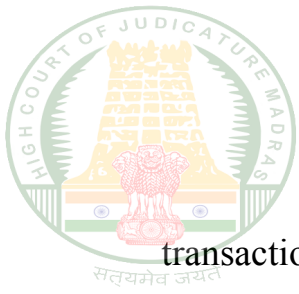
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2. Heard the learned counsel on either side and perused the materials available on record.

3. The case of the prosecution is that the second respondent let out his premises for rent to run a old age home, in which the petitioner was working as a Staff Nurse. While being so, the second respondent fell in love with her and also paid some amount. After receipt of money, the petitioner switched off her phone and cheated the second respondent. Hence, the complaint.

4. On receipt of the complaint, the respondent registered FIR in Crime No.41 of 2025 for the offences punishable under Sections 406 and 420 of IPC.

5. A perusal of records revealed that the petitioner had worked in the old age home for a period of one month and she had also produced statement of accounts before this Court. There is absolutely no evidence to show that the second respondent had transferred the amount through RTGS to the petitioner. Even assuming that there was some money transaction, it is only loan



transaction and as such, no offence is made out as against the petitioner.

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6. It is well settled that in order to bring the charge for the offence under Section 420 of IPC:

(i)the accused must fraudulently or dishonestly made some false compromise.

(ii)the defacto complainant must act on the strength of such false representation or compromise.

7. In the case on hand, the petitioners neither made any dishonest nor any fraudulent representation to the second respondent. Therefore, the offence under Section 420 of IPC is not at all made out as against the petitioners.

8. Perusal of the entire allegations made in the FIR reveals that even according to the second respondent, the entire allegations are related to money transactions between them. Therefore, the criminal prosecution is used as an instrument to harass the petitioners and as such, the present FIR has been registered with an ulterior motive and it cannot be sustained as against the petitioners.



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9. It is relevant to rely upon the judgment made by the Honourable Supreme Court of India in the case of *M/s. Indian Oil Corporation Vs. NEPC India Limited and others [(2006) 6 SCC 736]*, held that the civil liability cannot be converted into criminal liability and it is necessary to take notice of a growing tendency in business circle to convert purely civil dispute in criminal case. This is obviously on account of prevalent impression that civil law remedies are time consuming and do not adequately protect the interest of lender/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable breakdown of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claim which do not involve any criminal offence by applying pressure through criminal prosecution should be deprecated and dishonoured.

10. In the case of *G.Sagar Suri Vs. State of Uttar Pradesh [2000 (2) SCC 636]*, the Honourable Supreme Court of India held as follows:-

“It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence, criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal Court



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CrI.O.P.No.10990 of 2025

has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

11. In view of the above, the impugned FIR cannot be sustained and is liable to be quashed. Accordingly, the FIR in Crime No.41 of 2025 pending on the file of the first respondent is hereby quashed.

12. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous petition is closed.

09.04.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
mn



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Crl.O.P.No.10990 of 2025

G.K.ILANTHIRAIYAN. J.

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To

1. The Inspector of Police,
T17, Perumbakkam Police Station,
Tambaram District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10990 of 2025

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