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CrI.O.P.No.16323 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.16323 of 2025 and

CrI.M.P.No.10188 of 2025

Vasanthan Charles

... Petitioner

Vs.

1. The State Rep. by
Inspector of Police
V5 Thirumangalam Police Station (Crimes)
School Road,
Anna Nagar Western Extn.
Chennai - 600 101

2. D.S.B.Ranges

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in C.C.No.206 of 2025 pending before the XIII Metropolitan Magistrate and quash the Cr.No.206 of 2025 in the file of the 1st respondent police and the C.C.No.206 of 2025 pending before the XIII Metropolitan Magistrate at Egmore.



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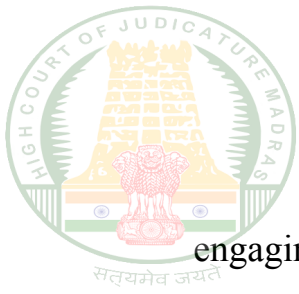
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For Petitioner : Mr.J.Chelladurai Caldwell
For 1st Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the case in C.C.No.206 of 2025 pending before the XIII Metropolitan Magistrate, Egmore.

2. The case of the prosecution as per the defacto complainant is that he had entered into a Memorandum of Understanding with the petitioner for construction of his house. Subsequently, the defacto complainant had started to construct the house and he had also spent Rs.46,26,927/- out of which, the petitioner had paid a sum of Rs.27,80,000/- on various instalments. When the construction was in the midway, the defacto complainant approached the petitioner for money for further construction for which, the petitioner refused to give the same and also stated that he would carry on further construction by



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engaging some other persons. Hence, the defacto complainant asked the

petitioner to pay the balance amount of Rs.18,46,927/- which he had spent.

However, the petitioner evaded to pay the balance amount and cheated the defacto complainant. Hence, based on the complaint given by the defacto complainant, the case in FIR No. 81 of 2024 was registered by the first respondent police against the petitioner for the offence under Sections 406 and 420 IPC and after completion of investigation, the respondent police filed the charge sheet and the same was taken on file in C.C.No.206 of 2025 on the file of the XIII Metropolitan Magistrate, Egmore. Pending case, the petitioner has filed the present petition to quash the C.C.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) appearing for the first respondent police and also perused the materials available on record.

4. It is seen from the records that there is a construction agreement dated 07.05.2023 between the defacto complainant and the mother of the petitioner.



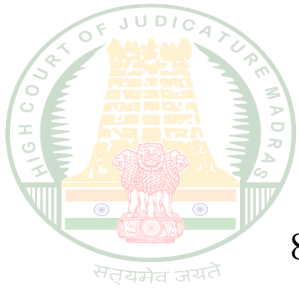
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When the construction was in the mid way, there was a dispute between the contractor and the building owner and therefore, the contractor/defacto complainant has lodged complaint against the petitioner.

5. Further, a reading of the agreement, the complaint and the allegations against the petitioner shows that there is a dispute of breach of contract which is purely civil in nature. According to the petitioner, the defacto complainant had done faulty construction and also used substandard quality materials which requires technical expert opinion. The Department of Police has no role to play with the same and hence, registering FIR is nothing but abuse of process of law.

6. Therefore, the case in C.C.No.206 of 2025 pending on the file of the XIII Metropolitan Magistrate, Egmore is quashed.

7. However, the defacto complainant is at liberty to work out his remedy before the competent authority.



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8. Accordingly, this Criminal Original Petition is allowed at the

admission stage itself. Consequently, the connected Miscellaneous Petition is closed.

09.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The XIII Metropolitan Magistrate
Egmore.
2. The Inspector of Police
V5 Thirumangalam Police Station (Crimes)
School Road, Anna Nagar Western Extn.
Chennai - 600 101
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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