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Crl.O.P.No. 18070 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM:

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

Crl.O.P.No.18070 of 2023

and

Crl.M.P.No.11939 of 2023

Radhakrishnan

... Petitioner

Vs.

1.The Inspector of Police,
Saravanampatti,
Coimbatore District.
Crime No.473 of 2022.

2.Sivaprakash

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records of the C.C.No.2543 of 2022 pending on the file of the learned Judicial Magistrate II at Coimbatore and quash the same.

For Petitioner : Mr.R.Venkatraman



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For R1 : Mr.R.Vinothraja,
Government Advocate (crl.side)

For R2 : Mr.M.R.Thangavel

ORDER

This petition has been filed to quash the proceedings in C.C. No. 2543 of 2022, pending on the file of the learned Judicial Magistrate II at Coimbatore.

2. The case of the prosecution is that, on a complaint lodged by the second respondent, the first respondent registered an FIR in Crime No. 473 of 2022 for the offence punishable under Section 420 of IPC. The allegation is that the petitioner had purchased tile materials from the second respondent. Based on an order placed by the petitioner, the second respondent supplied tiles worth Rs. 9,44,694/-. However, the petitioner failed to pay the said amount, resulting in the complaint.

3. The learned counsel for the petitioner submits that the dispute between the petitioner and the second respondent is purely of a



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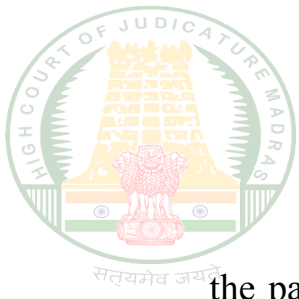
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commercial nature, concerning non-payment for goods supplied, which does not amount to fraud or dishonesty as required under Section 420 of IPC. Therefore, the proceedings are liable to be quashed as the matter is essentially civil in nature.

4. The learned Government Advocate (Crl. Side) submits that the FIR was registered after a thorough investigation, and the allegations made in the complaint indicate the commission of an offence under Section 420 of IPC. The petitioner's failure to pay for the goods supplied and the dishonoured cheques *prima facie* disclose a criminal offence, warranting the continuation of the proceedings.

5. Heard both sides and perused the materials placed before this Court.

6. On perusal of the records, it is evident that the dispute pertains to commercial transactions between the petitioner and the second respondent. The second respondent, in his complaint, admits that over



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the past several years, the petitioner had placed orders for tiles, and the second respondent had supplied the same. At present, there remains an outstanding balance of Rs. 9,44,694/-. In order to repay the said amount, the petitioner issued three cheques to the second respondent, which were subsequently dishonoured. Thus, the transaction appears to be of a purely commercial nature.

7. To attract the offence under Section 420 of IPC, it must be shown that there was fraudulent or dishonest inducement with the intention to deceive or cheat. In this case, the allegations, even if taken at face value, suggest a dispute over non-payment for goods supplied, which falls within the realm of a civil dispute rather than criminal fraud.

8. In order to ascertain the veracity and contentions made by the parties herein, it is imperative to examine whether the relevant ingredients of offences in which the petitioner herein was facing with are *prima facie* made out. The relevant provisions of Section 420 of I.P.C read as follows:-



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“420. Cheating and dishonestly inducing delivery of property— Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”

9. In light of the foregoing, this Court is of the view that the allegations do not *prima facie* disclose the commission of an offence under Section 420 of IPC. The dispute, at best, appears to be a commercial transaction that has turned contentious due to non-payment, which is a matter that ought to be resolved through civil proceedings rather than criminal prosecution.

10. In view of the above, the entire proceeding in C.C.No.2543 of 2022 pending on the file of the learned Judicial Magistrate II at Coimbatore is hereby quashed as against the petitioner. Accordingly, this



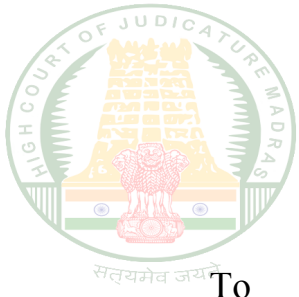
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Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

26.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



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To
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1. Judicial Magistrate II at Coimbatore
2. The Inspector of Police,
Saravanampatti,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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