



Crl.O.P.No.21881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No. 21881 of 2023

and

Crl.M.P.No.15149 of 2023

1. Naresh Kothari
 2. Manish Kothari
- ... Petitioners

Vs.

1. State Rep.by
The Inspector of Police,
Aminjikarai Police Station,
Chennai,
Crime No.233 of 2023.
 2. Chandraboss
- ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.233 of 2023 pending on the file of the respondent-Police Inspector of Police, Aminjikarai Police Station, Chennai and quash the same.

For Petitioners : Mr.V.S.Senthil Kumar

For Respondents : Mr.K.M.D.Muhilan
Additional Public Prosecutor, for R1



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ORDER

WEB COPY This Criminal Original Petition is filed to quash the FIR in Crime No.233 of 2023 pending on the file of the respondent-Police.

2. The case of the prosecution as per the *de-facto* complainant is that he is running a mobile sales and services showroom in Chennai and the first accused is known to *de-facto* complainant for more than 3 years. While that being so, the first accused purchased mobile phones worth about Rs.29,50,000/- on credit basis on 18.04.2023. However, the accused has not re-paid the amount and hence, a complaint has been filed for recovery of mobile phones or recovery of the amount due to the complainant and thereby, the respondent-Police registered a case in Crime No.233 of 2023 for the offences punishable under Sections 406 and 420 IPC against the petitioners herein and others.

3. Learned Additional Public Prosecutor appearing for the first respondent, on instructions, submitted that on completion of investigation in Crime No.233 of 2023, charge sheet has been filed through e-filing on 09.09.2024 *vide* No.LTN20230000128C202400032 before the V Metropolitan Magistrate Court, Egmore, Chennai.



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4. On a perusal of the records, it is seen that the entire allegations made in the FIR did not constitute any offence. There is no deception or inducement whatsoever to attract Sections 406 and 420 IPC and it is only just breach of contract and therefore, it will not constitute any offence.

5. Considering the facts and circumstances, this Court is inclined to quash the FIR in Crime No.233 of 2023 pending on the file of the first respondent-Police by exercising its jurisdiction under Section 482 Cr.P.C/528 BNSS.

6. Accordingly, this Criminal Original Petition is allowed and FIR in Crime No.233 of 2023 pending on the file of the first respondent-Police, is hereby quashed as against the petitioners. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The The Inspector of Police,
Aminjikarai Police Station,
Chennai.
3. The Public Prosecutor
High Court, Madras.



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N. SATHISH KUMAR, J.

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