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Crl.O.P.No.29627 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.29627 of 2024

and

Crl.M.P.Nos.16575 & 16578 of 2024

... Petitioner

Thangapandi

Vs

1. The Deputy Superintendent of Police,
District Crime Branch,
Villupuram District.

2. The Inspector of Police,
District Crime Branch,
Villupuram District.

3. Sudha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating the entire proceedings in C.C.No.330 of 2023 in Crime No.41 of 2021, pending on the file of the Judicial Magistrate Court No.I,Villupuram, Villupuram District and quash the same against the petitioner.



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For Petitioner : Mr.S.Ashik Ahamed
For R1 & R2 : Mr.S.Sugendran
Additional Public Prosecutor
For R3 : Mr.S.Raja Ravivarma

ORDER

This Criminal Original Petition has been filed to call for the records relating the entire proceedings in C.C.No.330 of 2023 in Crime No.41 of 2021, pending on the file of the Judicial Magistrate Court No.I, Villupuram, Villupuram District and quash the same against the petitioner.

2. Heard the learned counsel appearing for the petitioner, the learned counsel for the private respondent and the learned Additional Public Prosecutor appearing for the respondents-Police and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the dispute between the petitioner and the third respondent/de-facto complainant is



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civil in nature. There is no *prima facie* evidence available as against the petitioner for the offence of criminal conspiracy. Hence, he prays for quashing the proceedings in C.C.No.330 of 2023 pending on the file of the Judicial Magistrate Court No.I, Villupuram.

4. On a reading of the complaint, contents of F.I.R and statements recorded from the witnesses, it is seen that the dispute between the parties is civil in nature. The petitioner obtained loan on interest basis from the third respondent/de-facto complainant for his business. In order to get the money from the petitioner, the third respondent/de-facto complaint approached the second respondent-Police. The second respondent Police has also registered the case in Crime No.41 of 2021 against the petitioner for the offences under Sections 420 and 120(B) IPC, by giving criminal colour to the civil dispute. Moreover, the second respondent-police filed the charge sheet before the learned Judicial Magistrate No.I, Villupuram and the same was taken on file in C.C.No.330 of 2023. The complaint has been given falsely by giving a criminal colour to the civil dispute. Hence, this Court does not find any merit in the charge sheet initiated



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against the petitioner and the same is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner in C.C.No.330 of 2023 in Crime No.41 of 2021, pending on the file of the Judicial Magistrate Court No.I, Villupuram is quashed. Consequently, connected miscellaneous petitions are closed.

20.01.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate Court No.I, Villupuram, Villupuram District.
2. The Deputy Superintendent of Police,
District Crime Branch,
Villupuram District.
3. The Inspector of Police,
District Crime Branch,
Villupuram District.
4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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