



Crl.O.P.No.22411 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.22411 of 2023 and
Crl.M.P.No.15579 of 2023

M/s.Sevan Arts International Ltd,
Rep. By its Managing Director,
Mr.G.P.Vijayakumar,
No.29, Shenoy Road,
Nungambakkam,
Chennai – 600 034.

... Petitioner

Vs.

M/s.Sun TV Network Limited,
Rep by its Authorised Signatory,
Mr.M.Jyothi Basu,
Murasoli Maran Towers,
73, MRC Nagar Main Road,
MRC Nagar, Chennai – 28.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.1186 of 2023, pending on the file of the learned XXIII Metropolitan Magistrate, Saidapet and to quash the complaint and consequently the proceedings initiated in furtherance thereto.



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For Petitioner : Mr.R.S.Diwaagar

For Respondent : Mr.C.Arun Kumar

ORDER

Today, the matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that the present petition has been filed by the petitioner to quash the case in C.C.No.1186 of 2023 on the file of the learned XXIII Metropolitan Magistrate, Saidapet. When the matter came up before this Court on 12.06.2025, this Court gave a findings that the there was a commercial transaction between the parties and the respondent is trying to give a criminal colour to the civil dispute. However, in the order copy, it is inadvertently mentioned that the petition is dismissed. Further, instead of respondent/complainant, liberty has been given to the petitioner/accused to approach the civil Court. Hence, he seeks appropriate orders.

3. In view of the above, the paragraph Nos.5, 6 and 7 in Crl.O.P.No.22411 of 2023 dated 12.06.2025 shall be read as follows:

5. On a perusal of the records, it is



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seen that a commercial transaction was entered into between the petitioner and the respondent based on the agreement. If there is any dispute with regard to commercial/civil transaction, it is open for the respondent/complainant to approach the civil Court/Commercial Court, as the case may be. This Court finds that the respondent tried to give criminal colour to the civil dispute.

6. Under the above facts and circumstances, this Court finds that this is a fit case to quash the calendar case in C.C.No.1186 of 2023.

7. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.1186 of 2023 on the file of the XXIII Metropolitan Magistrate, Saidapet, is hereby quashed. Consequently, the connected



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miscellaneous petition is closed. However, the respondent/complainant is at liberty to work out their remedy before the competent Court.

03.07.2025

ksa-2

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

Note: Registry is directed to carry out necessary correction and issue a fresh order copy.



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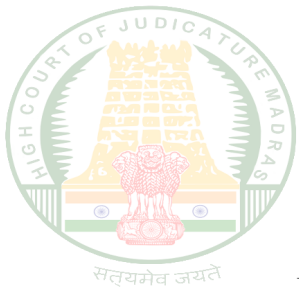
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and
Crl.M.P.No.15579 of 2023**

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... Petitioner

Vs.

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Rep by its Authorised Signatory,
Mr.M.Jyothi Basu,
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73, MRC Nagar Main Road,
MRC Nagar, Chennai – 28.

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.1186 of 2023, pending on the file of the learned XXIII Metropolitan Magistrate, Saidapet and to quash the complaint and consequently the proceedings initiated in furtherance thereto.

For Petitioner : Mr.R.S.Diwaagar



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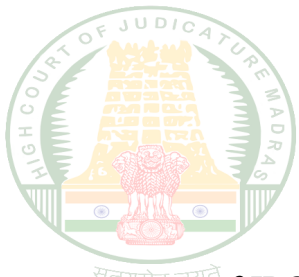
For Respondent : Mr.C.Arun Kumar

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.1186 of 2023, pending on the file of the learned XXIII Metropolitan Magistrate, Saidapet and to quash the complaint and the proceedings initiated in furtherance thereto.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted that a commercial agreement was entered into between the parties. If the respondent is not agreeable with the petitioner, he has to file a suit either before commercial Court or Civil Court. The period of limitation of recovery of money had lapsed. The respondent has given criminal colour to the civil dispute. Hence, the case filed as against the petitioner under Section 420



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of IPC may be quashed.
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4. Learned counsel for the respondent submitted that the agreement dated 06.11.2016 was entered into between the parties. After receiving the advance amount, the petitioner had misappropriated the same. However, the petitioner has neither taken any steps to perform the agreement, nor returned the money. Hence, the respondent lodged a complaint under Section 200 Cr.P.C., for the offences under Sections 406 and 420 of IPC, before the XXIII Metro Magistrate, Saidpet, Chennai as against the petitioner. Prima facie allegations are available against the petitioner. The learned Magistrate has also taken cognizance of the offences. Lapse in period of limitation of recovery of money, may not be the ground to quash the complaint. Hence the petition is liable to be dismissed.

5. On a perusal of the records, it is seen that a commercial transaction was entered into between the petitioner and the respondent based on the agreement. If there is any dispute with regard to



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commercial/civil transaction, it is open for the petitioner to approach the civil Court/Commercial Court, as the case may be. This Court finds that the petitioner tried to give criminal colour to the civil dispute.

6. Under the facts and circumstances of the case, this Court finds that this is not a fit case to quash calendar case in C.C.No.1186 of 2023. However, the petitioner is at liberty to work out his remedy before the competent Civil Court.

7. With the abovesaid direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

12.06.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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and
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12.06.2025