



Crl.O.P.(MD)Nos.807 and 945 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 13.11.2025

PRONOUNCED ON : 19.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).Nos.807 and 945 of 2024

and

Crl.M.P.(MD).Nos.467 and 605 of 2024

Crl.O.P.(MD).No.807 of 2024

S.Kalaipunithan

... Petitioner/Accused No.3

Vs.

1.State represented by,
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
In Crime No.275 of 2023.

... 1st Respondent/Complainant

2.Balamurugan

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.275 of 2023 on the file of the respondent police and quash the same as against the petitioner.

Crl.O.P.(MD).No.945 of 2024

Anbusiva

... Petitioner/2nd Accused

Vs.



Crl.O.P.(MD)Nos.807 and 945 of 2024

1.State represented by,
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
In Crime No.275 of 2023.

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...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.275 of 2023 on the file of the respondent police and quash the same as against the petitioner.

For Petitioner : Mr.M.Ramu
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R-2 : Mr.N.Marimuthu

(In both cases)

COMMON ORDER

The petitioners seek quashing of the impugned FIR in Crime No.275 of 2023 on the file of the first respondent, which was registered for the offences under Section 120B, 406, 420 and 506(1) of IPC.

2. The allegation in the FIR is that the first and second accused had promised the defacto complainant and one Marichamy that they would obtain a Government job for them and stated that each of them have to pay Rs.10,00,000/-; that they had asked the defacto complainant and Marichamy to



deposit the said money into the account of the third accused; that they did not obtain the job as promised; that when the defacto complainant sought for return of the money, they abused the defacto complainant in filthy language and also threatened him of dire consequences.

3. The learned counsel for the petitioners would submit that the second respondent had made false allegations that the petitioners had promised to obtain a Government job; that there were other transactions between the petitioners and the defacto complainant; that those transactions were projected as a case of deceiving the defacto complainant and receiving money by promising to obtain a Government job; that the allegations would be squarely covered by the judgment of the Hon'ble Supreme Court in the case of ***Deepak Kumar Shrivastava and another Vs. State of Chhattisgarh and others*** in ***Special Leave Petition (Crl.) No.9800 of 2023 dated 19.02.2024***, where, the Hon'ble Supreme Court held that if the allegation stems out of an unlawful/illegal contract, then the criminal prosecution, which has been instituted only for recovering the tainted money, cannot be allowed and sought for quashing of the impugned FIR. The learned counsel further submitted that the petitioner/third accused had also filed a suit against the defacto complainant and one Marichamy for permanent injunction restraining the defendants from interfering with the plaintiff's livelihood in the guise of collecting money.



Crl.O.P.(MD)Nos.807 and 945 of 2024

4. The learned counsel for the second respondent however would submit that the second respondent was deceived on the promise of obtaining a Government job and therefore, the impugned FIR cannot be quashed; that it is for the first respondent to conduct the investigation and sought for dismissal of the quash petitions.

5. The learned Additional Public Prosecutor appearing for the first respondent reiterated the above submission and stated that the investigation is still pending.

6. As stated earlier, the allegation is that the petitioners had received a total sum of Rs.20,00,000/- on the promise of obtaining Government job for the defacto complainant and his colleague Marichamy; and that between 24.03.2022 and 12.04.2022, the said amount of Rs.20,00,000/-, i.e., Rs.10,00,000/- each by the defacto complainant and Marichamy, was paid in 9 installments. It is seen that the petitioners have not disputed the receipt of money. However, it is the case of the petitioners that the said amount was received for publication of certain books; and that the allegation of deception is false. It is seen that that the third accused/petitioner in Crl.O.P.(MD).No.807 of 2024 had not made any representation to the defacto complainant. In fact, the third accused had admitted the receipt of money and would state that the said



sum was given to the defacto complainant for a different purpose, namely, to publish certain books and since the defacto complainant was adopting unlawful means to recover the money, he had filed a suit before the Civil Civil Court at Chennai in O.S.No.6083 of 2023 for permanent injunction restraining the defendant, his men and agents from interfering in the petitioner's peaceful livelihood and not to collect money except by due process of law. This Court will certainly not go into those disputed facts in these quash petitions. The question is whether on the allegations in the FIR, the offences would be made out. According to the defacto complainant, the money was paid in 9 installments between 24.03.2022 and 12.04.2022. No suit has been filed for recovery of the said money admittedly. The allegation is that the defacto complainant had paid money for securing a job in the Government department, which is pursuant to an illegal contract. A suit for recovery of money, which has been paid pursuant to an illegal contract, also would not lie. The second respondent has abused the process by seeking to recover the money paid through an illegal contract under threat of criminal proceedings. The Hon'ble Supreme Court in similar facts in the case of **Deepak Kumar Shrivastava and another Vs. State** (cited supra) had held as follows:

“13. A reading of the entire material on record clearly reflects that it was totally an unlawful contract between the parties where money was being paid for securing a job in the



government department(s) or private sector. Apparently, a suit for recovery could not have been filed for the said purpose and even if it could be filed, it could be difficult to establish the same where the payment was entirely in cash. Therefore, the respondent no.6 found out a better medium to recover the said amount by building pressure on the appellant and his brother by lodging the FIR. Under the threat of criminal prosecution, maybe the appellant would have tried to sort out and settle the dispute by shelving out some money.

14. In conclusion, certain key observations from the factual matrix warrant a closer reflection. Prima facie, the conduct exhibited by the parties involved appears tainted with suspicion, casting a shadow over the veracity of their claims. The report from the previous inquiry reflects a convoluted landscape and unveils a trail of unethical, maybe even criminal, behaviour from both parties. The unexplained inordinate delay in bringing these allegations to the police's attention despite knowledge of previous inquiry, raises even more doubts and adds a layer of scepticism to the authenticity of the claims. The facts stated, as well as the prior inquiry, reveal a shared culpability between the parties, indicative of a complex web of deceit, and unethical transactions where even civil remedies may not be sustainable. Thus, the object of this dispute, manifestly rife with mala fide intentions of only recovering the tainted money by coercion and threat of criminal proceedings, cannot be allowed to proceed further and exploit the time and resources of the law enforcement agency.



15. *As parting suggestions, it becomes imperative to state that the police should exercise heightened caution when drawn into dispute pertaining to such unethical transactions between private parties which appear to be prima facie contentious in light of previous inquiries or investigations. The need for vigilance on the part of the police is paramount, and a discerning eye should be cast upon cases where unscrupulous conduct appears to eclipse the pursuit of justice. This case exemplifies the need for a circumspect approach in discerning the genuine from the spurious and thus ensuring that the resources of the state are utilised for matters of true societal import.*

16. *For all the reasons recorded above, we are of the view that such criminal prosecution should not be allowed to continue where the object to lodge the FIR is not for criminal prosecution and for punishing the offender for the offence committed but for recovery of money under coercion and pressure and also for all the other reasons stipulated above.”*

7. This Court is of the view that the above observations would squarely apply to the facts of the instant case, where, as stated earlier, the proceedings have been initiated only for recovery of money, which cannot be done in a Civil Court as even according to the defacto complainant, the contract is unlawful. Criminal proceedings therefore cannot be misused or abused for such purposes. Therefore, by following the dictum laid down by the Hon'ble Supreme Court,



Crl.O.P.(MD)Nos.807 and 945 of 2024

this Court is inclined to quash the impugned FIR in Crime No.275 of 2023 and accordingly quashes the same.

8. Accordingly, the Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

19.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)Nos.807 and 945 of 2024

SUNDER MOHAN, J.

Lm

Crl.O.P(MD).Nos.807 and 945 of 2024

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