

Crl.O.P.(MD).No.19709 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On	:	15.11.2024
Pronounced On	:	15.05.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.19709 of 2024

and

Crl.M.P(MD).No.12140 of 2024

1.K.R.Sindhu Uma Devi

2.J.Maruthupandi

3.K.Raman

4.S.Thenmozhi

5.K.R.Prasanna Bala Murugan

... Petitioners

Vs.

1.The State of Tamilnadu rep by
The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai District.
(Crime No.07 of 2023)

2.Dhanabalan Caplin

... Respondents



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PRAYER: Criminal Original Petition has been filed under Section 528 of BNSS., to call for the records pertaining to the impugned FIR in Crime No.07 of 2023, under Sections 120B, 420 of IPC on the file of the first respondent police dated 02.08.2023 and quash the same as illegal.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor for R1
: Mr.A.V.Arun for R2

ORDER

The accused Nos.1 to 5 in Crime No.7 of 2023 have filed this petition to quash the proceedings.

2. The 2nd Respondent's daughter and the 1st petitioner are friends. The 2nd Petitioner is wife of the 1st Petitioner. The remaining petitioners are all acquainted with the 2nd respondent and his daughter. The 2nd petitioner is running an IT company. All the petitioners allegedly insisted the 2nd Respondent and his daughter to invest in the IT project with false promise that they would get double the amount of investment and

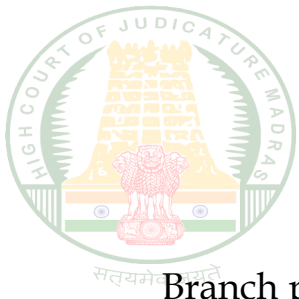


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believing their honeyed words the 2nd Respondent's daughter gave more than one crore nineteen lakhs in the name of her family members. But, the petitioners failed to repay the amount and therefore he gave the complaint before the 1st Respondent Police on 15.10.2022 and they conducted the enquiry. The petitioner undertook to repay the amount. There was no repayment and hence the 2nd Respondent made a complaint to the Deputy Commissioner of Police, Madurai. On the basis of the complaint, the 2nd respondent registered the case in Crime No.7 of 2023 dated 02.08.2023 for the offence U/s.420 and 120(b) IPC. To quash the said FIR, the petitioners have filed the quash petition.

3. The Learned Counsel for the petitioner would submit that, earlier the 2nd Respondent made a complaint before the Central Crime Branch, Vishwanathapuram coming under the jurisdiction of Commissioner of Police, Madurai, and since they faced harassment, the petitioner No.1 to 4 filed Anticipatory Bail before this court in Crl.O.P.(MD).No.16894 of 2022 and this court disposed the same as the enquiry had already been conducted and the same was closed. Thereafter, the said Central Crime

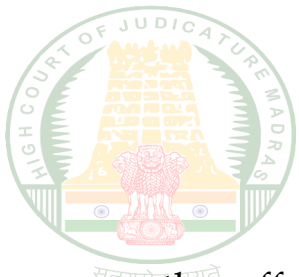


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Branch police official harrassed them to settled the amount and hence the petitioners filed Crl.OP(MD).No.1220 of 2023 before this court seeking direction against the Commissioner of Police, Madurai, Deputy Commissioner of Police, Madurai, Inspector of Police, Central Crime Branch, Vishwanathapuram not to harrass them, under the guise of enquiry and the same was closed stating that the 2nd Respondent gave a complaint raising money dispute against the petitioners and after enquiry, the same was ordered to be closed. In view of the above circumstances, the present complaint and registration of FIR by the Central Crime Branch, Madurai City is abuse of process of law and therefore the proceedings is liable to be quashed. Apart from that, earlier, the Policer officers closed the complaint as it is a simple money dispute. Therefore, there was no element of criminality. Only to give the criminal colour to the money dispute present complaint was given to recover the amount through the police officers.

4. The Learned Counsel for the Defacto-complainant the 2nd Respondent would submit that, all the necessary ingredients to constitute



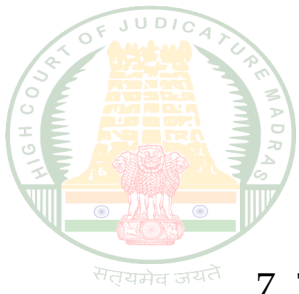
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the offence U/s.420 IPC are clearly made out in the FIR. All the petitioners conspired together to cheat the 2nd Respondent and his family members and received whooping amount of rupees one crore sixteen lakhs and failed to repay the amount. They made the false promise to give double the amount of the investment made in the IT project, but failed to repay the same. Therefore, he seeks to dismiss the quash petition.

5. The Learned Government Advocate would reiterate the argument of the Learned Counsel for the Defacto-complainant and submitted that the investigation is at the nascent stage and hence at this stage the quash petition is not maintainable. The earlier quash of the case filed by different police station is not a ground to quash this case.

6. This court, at the time of the admission, directed the Commissioner of Police, Madurai to enquire into the allegation made in the quash petition against the police officer Thiru.M.Prabakar and the commissioner also submitted the report on 25.09.2023.



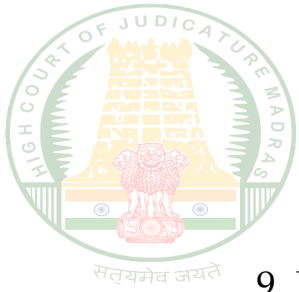
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7. This Court considered rival submission made on either side and perused the records and report submitted by the Commissioner of Police.

8. Both parties admitted the previous complaint given to the City Crime Branch, Vishwanathapuram. The 2nd Respondent and the Commissioner of Police admitted the conclusion of the proceedings in Crl.O.P.(MD).No.16894 of 2022 and Crl.O.P(MD).No.1220 of 2023. The contents of the order is as follows:

Order in Crl.OP.No.1220 of 2023	Order in Crl.O.P.(MD).No.16894 of 2022
When the matter is taken up for hearing today, the Learned Government Advocate (Criminal Side) appearing for the respondents would submit that one Dhanabalan gave a complaint raising money dispute against the petitioners and after enquiry, the same was ordered to be closed.	Today, when the matter was taken up for hearing, the Learned Government Advocate (Criminal Side) appearing for the respondent would submit that the enquiry has already been conducted and the same was closed.



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9. In view of the earlier closure of the complaint with a finding that the 2nd Respondent gave a complaint raising simple money dispute, the present registration of the case on the same material, in the considered opinion of this Court amounts to abuse of process of law as held by the Hon'ble Supreme Court in the case of *Vijay Kumar Ghai and Others .Vs. The State of West Bengal and Others* reported in 2022 (7) SCC 124. The Hon'ble Supreme Court in Para 15 has condemned the filing of multiple complaints by the same parties against same accused in respect of the same incident as impermissible.

10. In this case earlier on two occasions enquiry was conducted and closed with specific finding that the 2nd respondent raised simple money dispute. In the said circumstances, the registration of the present case is to pressurise the petitioner to pay the amount which is not legally permissible. Therefore, this court holds that the registration of the FIR on the same material would constitute abuse of statutory power of investigation and also amounts to giving criminal colour to simple money dispute and hence this court is inclined to exercise the power U/s.482 CrPC (528 of BNSS).



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15. Accordingly, the proceedings against the petitioners in Crime No.7 of 2023 on the file of the 1st Respondent Police dated 02.08.2023 is quashed. The connected miscellaneous petition is closed.

15.05.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
sbm

To

1.The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai District.

2. The Additional Public Prosecutor ,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

sbn

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