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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 27518 of 2026

CNR: {HCMA012259712026}

Case QR

And Crl.M.P.No.18231 of 2026

K.Mahadevan

..Petitioner(s)

Vs

1. The State rep. by The Inspector of Police
   Pallavaram Police Station,
   Chennai.
   Crime No.17 of 2026

2. Sampath

..Respondents

Prayer: Petition filed under Section 528 of BNSS, praying to call for the records and quash the FIR in Crime No.17 of 2026 dated 13.01.2026 on the file of the Inspector of Police, Palalvaram Police Station, Chennai.

For Petitioner(s): Mr.V.C.Vinoth Kumar

For Respondent(s): Mr.A.Amarnath
Additional Public Prosecutor For R1
R2-Notice served-No representation

ORDER

This Criminal Original Petition has been filed to quash the FIR in Cr.No.17 of 2026 on the file of the Respondent Police.

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2. Though notice served on the 2nd respondent, there is no representation either in person or through counsel.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent and perused the materials available on record.

4. The case of the prosecution is that the petitioner introduced the co-accused, Pitchai, to the *de-facto* complainant and the said Pitchai represented that a property belonging to his Trust at Perungalathur was for sale, and after inspecting it, the *de-facto* complainant paid Rs. 73,50,000/- to him in the year 2019 as total sale consideration. Although Pitchai assured the complainant that he would convince the other nine trustees and register the property in the complainant's name, he failed to do so. Hence, the *de-facto* complainant lodged a complaint with the respondent police, and the 1st respondent registered a case in Crime No. 17 of 2026 for offences punishable under Sections 406 and 420 of the Indian Penal Code.

5. It is seen that the petitioner arrayed as first accused. Even according to the first respondent, the petitioner introduced the defacto complainant, but he did not receive any amount, however, the co-accused received a sum of

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Rs.73,50,000/- in the year 2019 to sell the property belonging to the Trust. The petitioner is neither owner of the property nor the power of attorney holder to sell the property. Therefore, no allegation is made out as against the petitioner to constitute any offence under Section 406 of IPC and it is completely a commercial transaction and even according to the second respondent, part of the amount has been paid to one Pitchai. Hence, no offence is made out as against the petitioner under Section 406 and 420 of the Indian Penal Code..

6. It is well settled that in order to bring the charge for the offence under Section 420 of IPC:

(i)the accused must fraudulently or dishonestly made some false compromise.

(ii)the defacto complainant must act on the strength of such false representation or compromise.

7. In the case on hand, the petitioner neither made any dishonest nor any fraudulent representation to the second respondent. Therefore, the offence under Section 420 of IPC is not at all made out as against the petitioner.

8. Perusal of the entire allegations made in the FIR reveals that even according to the second respondent, the entire allegations are related to money

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transactions between them. Therefore, the criminal prosecution is used as an instrument to harass the petitioners and as such, the present FIR has been registered with an ulterior motive and it cannot be sustained as against the petitioners.

9. It is relevant to rely upon the judgment made by the Honourable Supreme Court of India in the case of ***M/s. Indian Oil Corporation Vs. NEPC India Limited and others [(2006) 6 SCC 736]***, held that the civil liability cannot be converted into criminal liability and it is necessary to take notice of a growing tendency in business circle to convert purely civil dispute in criminal case. This is obviously on account of prevalent impression that civil law remedies are time consuming and do not adequately protect the interest of lender/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable breakdown of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claim which do not involve any criminal offence by applying pressure through criminal prosecution should be deprecated and dishonoured.

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10. In the case of ***G.Sagar Suri Vs. State of Uttar Pradesh [2000 (2) SCC 636]***, the Honourable Supreme Court of India held as follows:-

> *"It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence, criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal Court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any Court or otherwise to secure the ends of justice."*

11. In view of the above circumstances, the impugned FIR cannot be sustained and is liable to be quashed. Accordingly, the FIR in Cr.No.17 of 2026 pending on the file of the first respondent is hereby quashed.

12. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous petition is closed.

11-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MSV

To
The Inspector of Police
Pallavaram Police Station,
Chennai.

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G.K.ILANTHIRAIYAN, J.

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