

G.V. Adhimoolam & Ors.

v.

The Inspector of Police & Anr.

(Criminal Appeal No. 1797 of 2025)

04 April 2025

[Vikram Nath and Sandeep Mehta,* JJ.]

Issue for Consideration

Matter pertains to the sustainability of the order passed by the High Court rejecting the petition of the appellants seeking quashing of complaint against them.

Headnotes[†]

Code of Criminal Procedure, 1973 – s.482 – Quashing of complaint – Complainant transferred certain sum of money to bank account of the firm run by his brother-accused no.5 and certain sum given in cash to appellants-accused, for the car dealership business – However, the complainant not made partner despite assurance and huge investment made by him – Complainant and his companions went to the house of appellants where accused-appellants tried to assault and verbally abuse them – FIR lodged by complainant for the offences punishable u/ss.420, 342, 294(b) and 506(1) IPC – Petition by appellants seeking quashing of complaint – Rejected by the High Court – Sustainability:

Held: Not sustainable – Instant case is wherein the proceedings of the impugned FIR are manifestly frivolous and vexatious or instituted with the ulterior motive for wreaking vengeance – Impugned FIR and all proceedings sought to be taken against the accused-appellants are quashed as the same tantamount to a gross abuse of the process of law – FIR was lodged with a gross delay of more than 6 years in which no explanation forthcoming – Even from the admitted contents of the FIR, no allegation that any of the accused-appellants induced the complainant to invest in their car dealership business – Parties are closely related to each other and that the amount was admittedly transferred by the complainant to the account of the firm, which is run by his elder

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brother, accused no.5 – Thus, neither did the accused-appellants make any inducement whatsoever to the complainant nor was the complainant defrauded into parting with any valuable security in favour of the accused-appellants by acting on such inducement – Allegation of the complainant regarding the incident of verbal abuse, hurting of religious sentiments and criminal intimidation and wrongful restraint also unbelievable since all these acts admittedly happened in the house of the accused where the complainant and his family members had gone, thus, the accused-appellants had no reason whatsoever to indulge in such acts – These allegations nothing but exaggerations which complainant employed in order to wreak vengeance against the accused – Thus, the order passed by the High Court set aside – Penal Code, 1860 – ss.294(b), 342, 420, 506(1). [Paras 30-34]

Case Law Cited

Iqbal v. State of Uttar Pradesh (2023) 8 SCC 734 – referred to.

List of Acts

Code of Criminal Procedure, 1973; Penal Code, 1860; Income Tax Act, 1961.

List of Keywords

Quashing of complaint; Scuffle; Hurling profanities; Assault; Abuse; Fraudulently usurped money; Allurement to invest in business; Gross delay in filing FIR; Entangle in criminal case; Verbal exchanges in heat of the moment; Ploy of complainant; Words and verbal slangs; Manifestly frivolous and vexatious proceedings; Ulterior motive for wreaking vengeance; Gross abuse of process of law.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 1797 of 2025

From the Judgment and Order dated 27.09.2022 of the High Court of Judicature at Madras in CRLOP No. 14850 of 2019

With

Criminal Appeal No. 1798 of 2025

Supreme Court Reports**Appearances for Parties***Advs. for the Appellants:*

S. Nagamuthu, Sr. Adv., M.P. Parthiban, Ankur Prakash, Mrs. Priyanka Singh, Bilal Mansoor, Shreyas Kaushal, S. Geyolin Selvam, Alagiri K.

Advs. for the Respondents:

V.Krishnamurthy, Sr. A.A.G., Sabarish Subramanian, Vishnu Unnikrishnan, Ms. Azka Sheikh Kalia, Ms. Jahnvi Taneja, Veshal Tyagi, Danish Saifi.

Judgment / Order of the Supreme Court**Judgment****Mehta, J.**

1. Heard.
2. Leave granted.
3. The appellants in these two appeals are aggrieved by the common order dated 27th September, 2022, whereby, the Criminal Original Petition¹ filed by the appellants² herein under Section 482 of the Code of Criminal Procedure, 1973³, seeking quashing of the complaint/FIR in Crime No. 21 dated 4th June, 2019, registered with the Inspector of Police, District Crime Branch⁴, Namakkal District, Tamil Nadu, stands rejected by the High Court of Judicature at Madras⁵.
4. Facts in a nutshell relevant and essential for disposal of the appeals are noted hereinbelow.
5. Respondent No.2-complainant, namely M. Senthil Kumar⁶, and R.M. Rajamanikam (accused No.5) are real brothers. The appellant, Sharmila Devi (accused No. 3), is the daughter of R.M. Rajamanikam (accused No. 5). The appellant-Vijayaraj (accused No. 2) is the

1 Crl. O.P. 14850 of 2019.

2 Hereinafter, referred to as 'accused-appellants'.

3 Hereinafter, being referred to as 'CrPC'.

4 Hereinafter, being referred to as 'DCB'.

5 Hereinafter, being referred to as the "High Court".

6 For short, 'complainant'.

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husband of Sharmila Devi, appellant-G.V. Adhimoolam (accused No. 1) is her father-in-law and appellant-R. Jagadeeswaran (accused No. 4) is her real brother. The complainant's brother, R.M. Rajamanikam (accused No. 5), passed away after lodging of the complaint.

6. The complainant lodged a complaint with the Inspector of Police, DCB on 4th June, 2019, alleging *inter alia* that he was involved in business of textile yarn. His elder brother, R.M. Rajamanikam (since deceased), used to reside near his house. R. Jagadeeswaran (accused No. 4) and Sharmila Devi (accused No. 3) are his nephew and niece respectively. Sharmila Devi (accused No. 3) married Vijayaraj (accused No. 2), son of G.V. Adhimoolam (accused No. 1). R.M. Rajamanikam, the elder brother of the complainant advised him to diversify into some other business by joining with his daughter's in-laws.
7. R.M. Rajamanikam met the complainant and apprised him that G.V. Adhimoolam (accused No. 1), Sharmila Devi (accused No. 3) and Vijayaraj (accused No. 2) were initiating a Nissan car dealership and were ready to join the complainant as a partner in the business. The complainant was given an allurement that he would earn several crores of rupees by joining the business. The complainant trusted the suggestion given by R.M. Rajamanikam (accused No. 5) and accordingly, he transferred a sum of Rs. 1,50,00,000/- way back in the year 2013 from the bank account of Varshini Traders in State Bank of Patiala, being run by him along with his father-in-law, to the bank account of the firm Sri Vakkira Kalliamman Spinning Mills Pvt. Ltd., being run by R.M. Rajamanikam (accused No. 5). As per the complainant, his elder brother transferred the said amount on the very same day to the account of G.V. Adhimoolam (accused No. 1).
8. Fifteen days later, he was invited to Pallipalayam. Accordingly, he went to the house of G.V. Adhimoolam (accused No. 1) and was asked to pay an additional sum of Rs. 20,00,000/- towards his share in the business. The complainant offered the said amount to G.V. Adhimoolam (accused No. 1) in cash which was received by Sharmila Devi (accused No. 3) in the presence of Vijayaraj (accused No. 2). The accused-appellants launched the Nissan car showroom and were operating the same regularly, but the complainant was not made a partner in the dealership despite the assurance and the huge investment made by him.

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9. Being perturbed by his intentional and fraudulent exclusion from the dealership business, the complainant enquired from the accused-appellants as to why he had not been made a partner even though he had invested huge sums of money for induction into the said business. The accused-appellants, gave evasive replies upon which the complainant demanded that his money be returned. The accused-appellants assured him that they would repay the amount at a later point of time because they did not have the money at hand then.
10. G.V. Adhimoolam (accused No. 1) and Sharmila Devi (accused No. 3) sent text messages to the complainant requesting him to visit their place so that the amount could be returned. Accordingly, the complainant accompanied by his father-in-law, brother-in-law and uncle, went to meet G.V. Adhimoolam (accused No. 1) on 22nd May, 2019 around 02:00 pm.
11. It is alleged in the complaint that Vijayaraj (accused No. 2) and G.V. Adhimoolam (accused No. 1) were also present in their house. The complainant implored them as to why he had not been inducted into the business and that he was in a dire financial crunch and pleaded with the accused-appellants to return the money he had advanced for being inducted as a partner in the car dealership. Being enraged by this demand, Vijayaraj (accused No. 2) and his father, G.V. Adhimoolam (accused No. 1), started yelling at the complainant and attempted to hit him using a plastic chair. During this scuffle, G.V. Adhimoolam (accused No. 1) hurled profanities at the complainant and imputed that he would be hacked to death so that he would no longer be able to demand money from the accused.
12. When the complainant and his companions tried to escape, they were obstructed and their way was blocked by R.M. Rajamanikam (accused No.5), his son R. Jagadeeswaran (accused No. 4) and his daughter Sharmila Devi (accused No.3), who tried to assault them and also abused them verbally. With great deal of difficulty, the complainant and his companions managed to escape from the clutches of the accused-appellants. He alleged in the complaint that he had been cheated and duped by the accused nominated in the report and implored the Investigating Officer to recover his money fraudulently usurped by the accused while conducting the investigation.
13. The aforesaid complaint was submitted to the Inspector of Police, Pallipalayam, where FIR No. 21 of 2019 came to be registered

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for the offences punishable under Sections 420, 342, 294(b) and 506(1) of the Indian Penal Code, 1860⁷ and the investigation was commenced. The quashing petition filed by the accused-appellants stands rejected by the High Court of Judicature at Madras *vide* order dated 27th September, 2022, which is the subject matter of challenge in these appeals by special leave.

14. Notice was issued in the special leave petitions way back on 21st November, 2022 and the accused-appellants were protected from arrest. Service upon the respondents was duly effected in early 2023. Despite ample opportunities, neither counter affidavit has been filed by the respondent-State nor has anyone entered appearance for the respondent No. 2-complainant despite service.
15. We have heard the arguments advanced by Shri S. Nagamuthu, learned senior counsel representing the accused-appellants and Shri V. Krishnamurthy, learned AAG representing the State of Tamil Nadu.
16. Mr. S. Nathamuthu, learned senior counsel representing the accused-appellants urged that *ex facie*, from the allegations levelled in the FIR, no cognizable offence whatsoever is made out against the accused-appellants. A dispute purely of civil nature, has been given colour of a crime by misusing the criminal law and the police machinery has been involved to act as recovery agents rather than approaching the civil Court. As a matter of fact, the complainant and his companions had trespassed into the house of the appellant-Vijayaraj (accused No. 2) on 15th & 21st May, 2019 and indulged in hurling filthy abuses and made attempts to physically assault the accused-appellants and their family members. The complainant slapped his elder brother, R.M. Rajamanikam (accused no. 5) who fell down and was badly injured. A complaint was filed by appellant-Vijayaraj (accused No. 2) for this act of aggression and trespass against respondent No. 2-complainant and his companion. When the summons of this complaint were issued to the complainant, by way of a counterblast, he filed the impugned FIR implicating the accused-appellants in a totally frivolous criminal case without there being an *iota* of truth in the allegations as set out in the complaint.

7 For short, "IPC".

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17. Learned senior counsel further contended that even if the allegations set out in the impugned FIR are accepted to be true, apparently the complainant had transferred the amount of Rs. 1,50,00,000/- to the account of Sri Vakkira Kaliamman Spinning Mills Pvt. Ltd. and not the accused-appellants. The accused-appellants neither made any promise to the complainant nor did they fraudulently induce him to part with money or valuable security with the intention to cheat. It was submitted that the complainant and his elder brother, R.M. Rajamanikam, (accused No. 5) were doing yarn business, and the amounts were transferred by the complainant to the firm of R.M. Rajamanikam (accused no. 5) in connection with the said business. The said transaction has no link whatsoever with the car dealership business of the accused-appellants. The complainant has, by way of the highly belated complaint, tried to manipulate the facts and has come up with a totally cooked up theory regarding the amount being meant for investment in the Nissan car dealership being operated by appellant-Vijayaraj (accused No. 2). Learned senior counsel submitted that since there was no direct fiduciary dealing between the accused-appellants and the complainant, there is no justification whatsoever for the prosecution of the accused-appellants in the patently cooked up and belated FIR.
18. He urged that so far as the offences under Sections 294(b) IPC and 506(1) IPC are concerned, admittedly it was the complainant and his companions, who entered into the house of the accused-appellants and created a ruckus. Even if, some hot words were exchanged during this commotion, apparently the ingredients of the offences punishable under Sections 294(b) IPC and 506(1) IPC would not be attracted.
19. The learned senior counsel for the accused-appellants further submitted that the alleged monetary transactions took place way back in the year 2013 whereas the FIR has been lodged in the year 2019. No explanation whatsoever is forthcoming from the complainant for this huge delay in lodging of the FIR. He, thus, urged that the proceedings of the impugned FIR lodged against the accused-appellants tantamount to a gross abuse of the process of law.

On these grounds, learned senior counsel implored the Court to set aside the impugned order and quash the FIR No. 21 of 2019 and all subsequent proceedings sought to be taken against the accused-appellants in furtherance thereof.

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20. *E-converso*, Shri. V. Krishnamurthy, learned senior AAG for the respondent-State opposed the submissions advanced by the accused-appellants' counsel. He urged that the principles for quashing of an FIR in exercise of the inherent powers of the High Court have been well settled by this Court in a plethora of judgments. At this stage, the Courts are only required to have a look at the allegations as set out in the FIR and the defence, if any, of the accused-appellants cannot be gone into. As per learned senior counsel, the allegations in the impugned FIR/complaint disclose the necessary ingredients of the offences alleged and thus, the High Court was justified in dismissing the quashing petition filed by the accused-appellants. He, thus, urged that the appeals deserve to be rejected.
21. We have given our thoughtful consideration to the submissions advanced by learned counsel for the parties and have gone through the material available on record.
22. As per the admitted case set out in the complaint, it is clear that the initial suggestion was given to the complainant for making an investment in the business, being run by the accused-appellants, by R.M. Rajamanikam (accused No. 5), the real brother of the complainant. The complainant categorically asserted in his complaint that it was the suggestion of his brother, R.M. Rajamanikam (accused no. 5), that if he invested in Nissan car dealership being operated by G.V. Adhimoolam (accused No. 1), Vijayaraj (accused No. 2) and Sharmila Devi (accused No. 3), he could be joined as a partner and such an investment would reap good profits. Apparently thus, if at all, any investment was actually made by the complainant in the business of the accused-appellants, it was on the suggestion of R.M. Rajamanikam (accused no. 5). As per the admitted allegations set out in the FIR, the amount of Rs.1,50,00,000/- was transferred by the complainant to the account of the firm, named Sri Vakkira Kaliamman Spinning Mills Pvt. Ltd, being operated by R.M. Rajamanikam (accused No. 5). The complainant, of course, claims that his elder brother transferred the said amount on the very same day to the bank account of G.V. Adhimoolam (accused No. 1).
23. Going by the allegations as set out in the complaint, admittedly none of the accused-appellants gave any sort of inducement or promise to the complainant that he could invest in the Nissan car dealership and that such investment would fetch good returns. The

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amount was admittedly transferred by the complainant to the firm, Sri Vakkira Kalliamman Spinning Mills Pvt. Ltd., on the suggestion of R.M. Rajamanikam (accused no. 5) and hence, there arises no question whatsoever of the accused-appellants having given the complainant an allurements to invest money in their business with a promise that such investment would fetch good returns.

24. The gross delay of 6 years in filing the FIR in relation to the investment already made in the year 2013 is yet another important factor which convinces us that there was no *bona fide* cause behind lodging of the FIR and, as a matter of fact, the complainant has utilised this huge delay to spin a web in order to somehow or the other entangle the accused-appellants in a criminal case and to involve the police to act as recovery agents rather than invoking the jurisdiction of the civil Courts. As a matter of fact, it is clear that the limitation for filing a civil suit had lapsed and thus, the complainant created a story to somehow or other, make an attempt to get his money recovered by resorting to the present criminal proceedings.
25. For invocation of the offence punishable under Section 420 IPC, it is imperative that the accused should have induced the victim to part with valuable security and that such inducement should at the inception been made with the intention to defraud the aggrieved person. Considered in light of the admitted facts as set out in the highly belated FIR, we are of the firm view that in the present case the necessary ingredients of Section 420 IPC are totally missing from the admitted and highest allegations of the complainant.
26. The second allegation levelled by the complainant in the FIR is to the effect that he paid a cash amount to the tune of Rs. 20,00,000/- to G.V. Adhimoolam (accused no. 1) towards his share in the business. At the outset, we may state that the claim about a cash transaction for a huge sum of Rs. 20,00,000/- would have to be corroborated by properly verified account statements for it to be considered reliable. Furthermore, such a transaction would be in teeth of the provisions of Section 40A(3) of the Income Tax Act as it stood in the year 2013. However, the complainant did not even allege in the report that this amount was garnered through some valid sources or that the same was accounted for in the records of the complainant. Hence, this allegation of the complainant has no sanctity in the eyes of law. The said allegation also appears to be totally false and fabricated, framed

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to somehow or the other lend credence to the fictitious story set out in the highly belated FIR. It is absolutely impossible to believe that before investing a huge sum of Rs. 1,70,00,000/- in the car business of the accused-appellants, the complainant would neither request for some written acknowledgement nor ask for the profile, if any, of the business.

27. The third part of the FIR relating to the incident dated 22nd May, 2019, also appears to be a story simply created to somehow or the other invoke the offences punishable under Sections 294(b), 342 and 506(1) IPC so as to entangle the accused-appellants in a criminal prosecution. It is an admitted position that Vijayaraj (accused No. 2) had lodged a report with the Inspector of Police, Pallipalayam on 22nd May, 2019, alleging therein that the complainant and his family members came to his house and misbehaved with his family members and also tried to indulge in physical assault. The police officers issued summons to the complainant under Section 160 CrPC, in connection with the said complaint filed by Vijayaraj (accused no. 2). It is only after receiving the summons that the impugned FIR came to be lodged on 4th June, 2019. The failure of the complainant to take action in relation to the alleged incident dated 22nd May, 2019, for almost 12 days again brings his entire story under a cloud of doubt. For the sake of arguments, even if we believe the above version of the complainant then also, clearly the incident dated 22nd May, 2019, took place in the house of the accused-appellants and thus even if some verbal exchanges took place in the heat of the moment, the same would not give rise to the offences as alleged by the complainant. That apart, we are satisfied that the words and verbal slangs imputed to the accused-appellants by the complainant in the belated FIR do not constitute the necessary ingredients of the offence punishable under Sections 294(b) and 506(1) IPC.
28. Likewise, the theory put forth by the complainant in the FIR that he and his companions were wrongfully restrained thereby giving rise to offence punishable under Section 342 IPC is also a ploy of the complainant to somehow or the other, add gravity to the case in order to settle the scores with the accused-appellants.
29. This Court in the case of *Iqbal v. State of Uttar Pradesh*⁸ laid down the principles governing the exercise of inherent powers under

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Section 482 CrPC or the extraordinary jurisdiction under Article 226 of the Constitution of India for quashing of the criminal proceedings or the FIR. The relevant observations from the aforesaid judgment are reproduced below:-

“9. At this stage, we would like to observe something important. Whenever an accused comes before the court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

10. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

11. In frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances

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leading to the initiation/registration of the case as well as the materials collected in the course of investigation. . .”

(emphasis supplied)

30. Considered in light of the aforesaid judgment, we are of the view that the present one is also a case wherein the proceedings of the impugned FIR are manifestly frivolous and vexatious or instituted with the ulterior motive for wreaking vengeance.
31. In view of the discussion made hereinabove, we conclude: -
 - a. That the impugned FIR has been lodged with a gross delay of more than 6 years in which no explanation is forthcoming.
 - b. That even from the admitted contents of the FIR, evidently, there is no allegation that any of the accused-appellants induced the complainant to invest in their car dealership business.
 - c. That the parties are closely related to each other and that the amount of Rs. 1,50,00,000/- was admittedly transferred by the complainant to the account of the firm, Sri Vakkira Kalliamman Spinning Mills Pvt. Ltd., which is run by his elder brother, R.M. Rajamanikam (accused no.5).

Thus, neither did the accused-appellants make any inducement whatsoever to the complainant nor was the complainant defrauded into parting with any valuable security in favour of the accused-appellants by acting on such inducement.

32. The allegation of the complainant regarding the incident of verbal abuse, hurting of religious sentiments and criminal intimidation and wrongful restraint dated 22nd May, 2019, is also unbelievable for the simple reason that all these acts admittedly happened in the house of the accused where the complainant and his family members had gone. Hence, the accused-appellants had no reason whatsoever to indulge in such acts. Apparently, these allegations are nothing but exaggerations which complainant has employed in order to wreak vengeance against the accused.
33. As a result, the order under challenge dated 27th September, 2022, passed by the High Court of Judicature at Madras is unsustainable on the face of the record and is hereby set aside.

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34. Consequently, the impugned FIR No. 21 of 2019 dated 4th June, 2019, and all proceedings sought to be taken therein against the accused-appellants are hereby quashed as the same tantamount to a gross abuse of the process of law.
35. The appeals are allowed accordingly.
36. Pending application(s), if any, shall stand disposed of.

Result of the case: Appeals allowed.

†Headnotes prepared by: Nidhi Jain